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LIMITATIONS ON NATIONAL SOVEREIGNTY IN INTERNATIONAL RELATIONS¹

JAMES W. GARNER

University of Illinois

Among the traditional political conceptions which in recent years have become the object of almost irreverent attack, is that which ascribes the quality of absolutism to that often elusive, but ever present, double-faced creation of the jurists which bears the name of sovereignty. Text-writers, sometimes in unqualified terms, still persist in claiming for it the unrestricted supremacy which was attributed to it in an age when its wielders everywhere were absolute monarchs; but an increasing number, less influenced by legal theories than by realities, see in it only the "ghost of personal monarchy," as Hobbes characterized it, "sitting crowned on the grave thereof."

On the one side the attack is directed by a new school of political writers, who deny its very existence or maintain that it is not an essential constituent attribute of the state. According to them, the notion is useless if not fallacious; the theory is discredited by the facts of modern state life and the term should be abandoned and expunged from the literature of political science.²

¹ Presidential address delivered before the American Political Science Association at Washington, D. C., December 29, 1924.

² Their views are analyzed and evaluated by F. W. Coker in a recent work entitled, *Political Theories of Recent Times* (1924) by Merriam, Barnes, and others, Chap. III.

On the other side, it is attacked by writers on international law who, while affirming that sovereignty is a necessary attribute of the state, and that viewed as the manifestation of a purely internal power it is legally unlimited, maintain that in its external manifestations, that is, when the exercise of the power which flows from it affects the rights or interests of other states or their nationals, the traditional theory as commonly formulated by jurists and expounded by text-writers is an "archaic," "unworkable," "misleading," and even "dangerous" political dogma—a "baneful fiction" which no longer corresponds with the facts of international life or practice and is, indeed, incompatible with the existence of a society of states governed by a recognized and generally observed system of international law. The term "sovereignty," entirely correct in its purely internal connotation as descriptive of the relation between a superior and an inferior—between the state and its subjects—is inapplicable to the relations between equal and independent states and should, they maintain, either be eliminated from the literature of international law, or the traditional theory should be revised and reformulated so that it will conform to actual international practice.³

³ Among those who entertain this view or appear to sympathize with it may be mentioned: Borchard, "Political Theory and International Law" in Merriam, Barnes and others, *Political Theories of Recent Times*, (1924) Chap. IV.; Brown, *International Realities* (1917) p. 66; also 9 *Amer. Jour. of Internat. Law*, p. 324 and 11 *ibid.*, p. 159; Butler, "Sovereignty and the League of Nations," *British Year Book of International Law*, 1920-21, p. 38; Brierly, *Shortcomings of International Law*, *ibid.*, 1924, pp. 12-14; Dupuis, *Le Droit des Gens et les Rapports des Grandes Puissances*, etc., (1920), pp. 7, 482; Hill, *The Rebuilding of Europe* (1917) Chap. I; also *Proceedings Amer. Society of Int. Law*, 1916, p. 15; Krabbe, *The Modern Idea of the State*, (trans. by Sabine and Shepard) p. 248; Pillet, *Les Droits Fondamentaux des Etats*, etc. 5 *Revue Générale de Droit International Public*, (1898) p. 73; Ralston, *Democracy's International Law*, (1922), pp. 20 ff; Reinsch, "Administrative Law and National Sovereignty," 3 *Amer. Jour. of International Law*, (1909) p. 10; Scelle, *Le Pacte des Nations*, (1919), p. 94; Schücking, *L'Organisation Internationale*, 15 *Revue Générale de Droit International Public*, (1908), p. 22; Snow, "International Law and Political Science," 7 *Amer. Jour. of International Law*, (1913), p. 326; and Sir John Fischer Williams, "International Law and International Financial Obligations Arising from Contract," *Bibliotheca Visseriana*, (1924), vol. II., p. 24.

With the views of the first group of combatants I am not here concerned; those of the second group I fully share and I purpose to examine them briefly in the light of the actual conditions of international life and of international practice. The time at my disposal does not permit a discussion of the nature of the limitations to which the freedom of the State is subject in its relations with other States. It is believed that some of them may, in the present state of the development of international law, be properly regarded as legal restrictions; others are physical, moral, or social; others still, are political, resulting from the practical necessities of international comity or interest. Their technical character is of no great consequence; the important fact is that they are recognized as actual limitations and in practice are generally observed.

Briefly stated, the theory of sovereignty to which exception is taken attributes to the state absolute and unlimited legal power as over against other states and their nationals, subject to no control except that which is self-imposed—the right to determine its own manner of life, to determine and regulate its own domestic policies, to be the judge of its own international obligations, to set its own standards of national conduct, to choose freely its own form of government and to alter it at will—all this without accountability to anyone.⁴

As is well known, the notion of sovereignty originated in the fourteenth century to meet an intolerable situation which then existed. National states were in the process of emerging from the chaos of the Middle Ages and their monarchs found themselves engaged in a struggle with both external and internal adversaries: notably the Empire, the Papacy, and the feudal nobility, who sought to impose upon them their own wills and to prevent the realization of a rapidly developing aspiration of nationality. The kings of France, in particular, refused to recognize any superiors, from within or without, and the French

⁴ The theory is well stated by Dupuis, *op. cit.*, p. 484; by Hill, *Rebuilding of Europe*, Chap. I. and *World Organization and the Modern State*, Chap. I. and by Lansing, "Notes on World Sovereignty," 1 *Amer. Jour. of International Law*, pp. 107, 303.

jurists came to their assistance with a legal theory which served both as a weapon of defense and a justification for the claim of royal supremacy.⁵ In the sixteenth century the conception underwent a transformation; not implying originally the notion of total independence, it was now clothed in the formula of absolutism and was conceived of as the attribute of a power which is not limited by any other will than its own, internal or external. Bodin has been reproached with having been the first jurist to formulate the theory in these terms, but an examination of his discussion of sovereignty will show that what he had in mind was nothing more than the supremacy of the monarch over his own subjects in his own territory and his freedom from the control of other real or pretended sovereigns, such as the Emperor and the Pope, who were endeavoring to reduce him to a condition of dependence upon them. He says expressly that the sovereignty of the state is comprized in this one thing, namely, to give laws to all and each of the citizens and to receive none from them;⁶ that is, it was an internal power—the power merely of a superior over an inferior. He admitted that the sovereign was limited by the law of God, the law of nature, and the law of nations. Sovereignty thus limited is far from being absolute and the reproach to which Bodin has been subjected hardly seems deserved.

It remained for later jurists "taking refuge in abstractions and fictions,"⁷ to apply the term which etymologically and

⁵ Compare the explanations of Sabine and Shepard, introduction to their translation of Krabbe, *The Modern Idea of the State*, (1922), pp. XVIII.-XXX.; of Gierke, *Political Theory of the Middle Ages*, pp. 87 ff. and of Carré de Malberg, *Théorie Général de l'Etat*, vol. I., (1920), pp. 73 ff. M. Carré de Malberg states that both the idea and the word were of French origin. The theory, he says, was born of the struggle during the Middle Ages on the part of the Empire, the Papacy, and the feudal seigneurs. Compare also Meyer, *Lehrbuch des Deutschen Staatsrechts*, 6th ed. p. 5; Rehm, *Allgemeine Staatslehre*, p. 40; and Duguit, *L'Etat*, vol. I, pp. 337 ff.

⁶ *De la République*, I, 8. Compare Hill, *World Organization and the Modern State*, p. 21.

⁷ Le Fur, *L'Etat, La Souveraineté et le Droit*, *Zeitschrift für Völkerrecht und Bundesstaatsrecht*, Bd. I (1907), p. 16. Compare also the views of Borchard, *op. cit.* p. 125 and Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts* (1920), p. 102.

historically is descriptive of the relation between a superior and an inferior—between the state and its subjects—to the relations subsisting between separate states. External sovereignty, as one manifestation of it came to be called, was assimilated to internal sovereignty, so that the state was regarded as possessing the same legal right to exercise its will *à l'extérieur* as the French say, that it has over subjects in its own territory. Thus it came to pass that by the end of the eighteenth century Europe found herself under the “incubus of a malign and sinister heritage”⁸ of a juristic theory which attributed to the state an absolute and unlimited legal power, not only over all persons and things within its own territory, but also complete freedom of action in its relations with other states or their nationals, subject to no restraint except that imposed by its own will. This theory of auto-limitation found many partisans among the jurists of the nineteenth century, especially among the Germans⁹ and it has frequently been adopted by judicial tribunals.¹⁰ It is, however, only a legal theory, flattering indeed to national pride, but it is not the principle which is acted upon in practice. In the present state of the development of international law and international relations it cannot be admitted that states are bound only by their own wills, when their conduct affects other states or their nationals.¹¹ The theory is incon-

⁸ It is so characterized by David Jayne Hill in his *Rebuilding of Europe*, p. 14.

⁹ Notably Jellinek, *Lehre von der Staatenverbindungen* pp. 34-36; *Recht des Modernen Staates*, pp. 465-7; and *Gesetz und Verordnung*, pp. 196 ff.; von Liszt, *Völkerrechtlichen Staatenverbandes*; Treitschke, *Politics* (Eng. Trans. by Dugdale and de Bille), pp. 28 ff. and 97; and Ullmann, *Völkerrecht* (1908) p. 6. Compare also de Louter, *Droit International Public Positif*, p. 172, who lays down the broad proposition that considered *à l'intérieur* sovereignty is subject to no other will than its own and that *à l'extérieur* “it signifies absolute independence of all those with whom the sovereign State maintains relations on a complete footing of equality.”

¹⁰ Compare the following from the opinion of Chief Justice Marshall in the case of the *Schooner Exchange v. McFaddon* (1812) 7 Cranch 116: “The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself.”

¹¹ The theory of absolute sovereignty qualified by the doctrine of self-limitation is attacked especially by Nelson, *Die Rechtswissenschaft Ohne Recht* (1917), p. 59; by Kelsen, *op. cit.*, p. 189; by Borchard, *op. cit.* p. 132; and by Krabbe, *op. cit.*, pp. 233 ff.

sistent with the existence of a system of international law which is itself based on the principle of reciprocal rights and responsibilities and involves the very negation of the right of a state to do what it pleases subject to no restraint except that which it has voluntarily imposed upon its own freedom of action.

A society of states in which each member is bound only by its own will would, as Dupuis justly remarks, be an "anarchy of sovereignties."¹² They would, in the language of Hobbes, be in "the state and posture of gladiators with their weapons pointing and their eyes fixed on one another." No state could claim any rights which others would be bound to respect; there could be no justice or injustice as between them, and each would be free to determine fully and finally the limits of its own freedom of action and the measure of its own international responsibility, if any were admitted.

Properly interpreted, sovereignty is a term of constitutional law and political science and not of international law, and it implies nothing more than the legal right of the state to determine its own internal life, regulate its own purely domestic affairs and make law for its own subjects within its own territory. Its power ends at the frontier and even within the national territory it is limited by the rights which international law recognizes as belonging to the subjects of other states domiciled or engaged in business therein. When the manifestation of the will of the state takes effect *à l'extérieur* it is limited by the rights of other states and of their nationals, to say nothing of the rights of the society of states as a whole. The limitation is enforced through the principle of international responsibility which is one of the foundations of international law, and which all civilized states act upon in practice in their relations with one another.¹³

¹² *Op. cit.* p. 7. Some writers have pointed out that the theory of absolute sovereignty is clearly inconsistent with the principle of international justice the promotion of which is one of the objects of international law. In this connection Willoughby suggests that the exercise by a state of a legal right which is inconsistent with justice might very well be regarded as itself an illegal act. *Procs. Amer. Soc. of Int. Law*, 1922, p. 21.

¹³ To this effect see Bluntschli, *Theory of the State* (Oxford trans.) p. 495, who remarks that the State "is not all-powerful, for it is limited externally by

Vattel, in his day, recognized the limitations when he said a nation is master of its own actions so long as they do not affect the proper and just rights of others.¹⁴ Hall,¹⁵ one of the most respected of modern writers on international law, thus states the limitation: "A state has a right to live its life in its own way, so long as it keeps itself rigidly to itself and refrains from interfering with the equal rights of other states to live their life in the manner which commends itself to them."

If we examine in the light of practice the so-called fundamental inherent rights of sovereign states, as they are customarily enumerated in the textbooks, we shall find that they are far from being absolute and unlimited. Take the usually asserted right of the state to establish (and alter at will) such form of government as it chooses. Such a right is emphatically denied by authorities of high repute¹⁶ and in practice it has never been admitted. It was denied by the Powers in 1814 when Napoleon invoked it as a right under the law of nations,¹⁷ and on several

the rights of other States and internally by its own nature"; Dupuis, *op. cit.*, pp. 7, 494; Fauchille, *Traité de Droit Int. Pub.* (1922) t. I, p. 432; Fiore, *Droit Int. Cod.* (trans. by Borchard), pp. 42, 170; Funck-Brentano et Sorel, *Précis du Droit des Gens*, p. 7; Hill, *World Organization and the Modern State*, pp. 39, 140; Lawrence, *Principles of International Law*, p. 116; Lorimer, *Institutes of the Law of Nations*, vol I, pp. 47, 139 (who remarks that no jural entity can be absolutely independent of any other and that the doctrine of absolute independence when applied to States amounts to a total repudiation of international responsibility); Merignac, *Traité de Droit Int. Pub.* t. I, p. 525; Oppenheim, *International Law* (3rd ed.), vol. I. p. 194; and Pillet, 1 *Rev. Gén. de Droit Int. Pub.* 5 and 5 *ibid.*, p. 73.

¹⁴ *Le Droit des Gens*, Introd., sec. 20.

¹⁵ *International Law* (3rd ed.) p. 46. Compare also De Visscher (*La responsabilité des Etats*, *Bibliotheca Visseriana*, t. 2, p. 90) who remarks that "the responsibility of States is, in the international order, the necessary corollary of their equality. If the mutual recognition of their sovereignty implies for each of them the liberty of action which is necessary in the pursuit of their own ends, it places upon each in return the restrictions imposed by the coexistence of other States whose rights are equal to theirs." Compare also the Declaration of the Rights and Duties of Nations adopted by the American Institute of International Law at Washington in 1916 to the effect that every nation has a right to exist and develop itself and to be free of control by other States, so long as it does not interfere with or violate the rights of other states.

¹⁶ For example by Pillet, 5 *Revue Générale* 86; and Hill, *World Organization*, p. 140.

¹⁷ Dupuis, *op. cit.* p. 488.

occasions since then changes in existing forms of government were opposed and sometimes prevented by the action of other states whose safety and the general peace were believed to be menaced by the proposed changes. The establishment of a government which is "notoriously opposed to the existing order of affairs" is admitted to be a matter of concern to international society,¹⁸ and when recognition is sought for newly-established governments practice shows that other states are not indifferent to the character of those which they are asked to recognize.¹⁹ There were indeed official pronouncements during the World War from which it might be deduced that the maintainancé of autocratic governments will no longer be tolerated in the present democratic order of the world.²⁰ All statesmen and text-writers are agreed that a state is bound to maintain a form of government which is capable of fulfilling its international obligations and it has often been asserted in international controversies that every state is bound to maintain judicial tribunals so constituted that they may be expected to render impartial and substantial justice to aliens.²¹

It is frequently asserted that every state has a right to extend or contract at will its territorial domain by purchase or cession, but this right, like others, is not admitted in practice. If the safety of other states or the general peace are threatened by territorial changes objection will be interposed and instances are by no means lacking in which they have been prevented by the opposition of other states or by the Powers collectively.²²

¹⁸ Hyde, *International Law Chiefly as Interpreted and Applied by the United States*, vol. I, p. 86.

¹⁹ Thus the refusal of the United States government to recognize the Soviet government of Russia has apparently been influenced to some extent by the character of that government as well as by its policies. Compare Harriman, "The Recognition of Soviet Russia," *Proceedings of the American Society of International Law*, 1924, p. 92.

²⁰ For example, President Wilson's War Message to Congress, April 2, 1917. See in this connection the comment of Wright, 17, *Amer. Jour. of Int. Law* (1923) p. 240.

²¹ Moore, *Digest of International Law*, vol. II. p. 5; Borchard, *Diplomatic Protection of Citizens Abroad*, p. 213, and Wright, *Control of American Foreign Relations*, p. 14.

²² Some instances are referred to by Brierly in the *British Year Book of International Law* for 1924, p. 13. He adds that "the supposed absolute right of a

There has been much discussion lately of the right of every state to regulate its own domestic affairs. Such a right will not be contested. But what are "domestic affairs?" In case there is a controversy between two states, one claiming that its legislation or conduct are domestic matters and therefore within its exclusive jurisdiction, the other claiming that they are matters of international concern, who is the judge as to whether they belong to the one or the other domain? In some recent political utterances language has been employed which amounted to an assertion that each state not only has a right to regulate its own domestic affairs but also the right to determine for itself what are such affairs. This claim cannot be admitted and it is not in accord with international practice. Thus, when Italy by an act of parliament in 1912 created a state monopoly of the life insurance business and expropriated the business of foreign private companies without indemnifying them for their losses, the act was the object of protest on the part of certain foreign governments which vigorously denied that a state has a right under international law to deprive in this way aliens of their property rights and invoke as a defense its alleged sovereignty in respect to matters which it chooses to regard as purely domestic. And when Uruguay in the same year passed a similar law the protests of Great Britain and France were such as to cause the Uruguayan legislature to rescind its action and abolish the monopoly.²³

State to alienate its own territory is a fiction which is suggested to us, not by anything in the practice of States, but by our preconceived notions of what sovereignty ought to imply." Westlake (*Collected Papers on International Law*, p. 131) remarks that a State may alienate its sovereignty subject to the rules of the Society of States, one of which makes every alteration of the map of Europe a matter of common interest to that quarter of the globe, as a landed proprietor may alienate his property subject to the laws of his country."

²³ As to these incidents see Audinet, *Le Monopole des Assurances sur la vie*, 20 *Revue Générale de Droit Int. Pub.* (1913), p. 5; Jèze, 29 *Revue de Droit Pub.* 433 ff. and 30 *ibid.* pp. 58 ff.; and Scelle 30 *ibid.* 637 ff. and 653 ff. In the case of a sulphur monopoly established by Sicily in 1838, an indemnity was awarded upon arbitration, to a foreign national whose rights had been prejudiced by the monopoly (Borchard *op. cit.* p. 182). In the case of Henry Savage an indemnity was likewise obtained on behalf of an American citizen on account of a loss which he had sustained in consequence of the establishment by Salvador of a state monopoly of the manufacture and sale of gunpowder (Moore, *International Arbitrations* p. 1855).

In September of last year the government of the United States addressed a protest to the government of Roumania against a recently enacted mining law which was deemed to be confiscatory of the rights of an American oil company. The reply of the Roumanian government that the legislation complained of was enacted in the exercise of its right of sovereignty and dealt with matters of purely domestic concern was, of course, not admitted, as a legitimate defense to the American claim. Such protests are common in the relations of modern states.

Manifestly if each state were admitted to be the sole and final judge as to what matters fall within its exclusive jurisdiction it might in many cases avoid all responsibility for injuries to other states or their nationals by alleging that its acts fell within its reserved domain of domestic jurisdiction. The Covenant of the League of Nations²⁴ and the recent Geneva Protocol for the Pacific Settlement of International Disputes²⁵ both recognize the exclusive jurisdiction of states over so called domestic affairs, by relieving them of the obligation to arbitrate disputes arising out of such matters; but it should be observed that both conventions expressly limit the exemption to disputes arising out of matters which "by international law" are solely within the jurisdiction of the party so claiming. No party can therefore avoid the obligation to arbitrate by showing that the matter giving rise to the dispute is such merely by reason of its own constitution or laws or because it is so regarded by its own authorities.²⁶ This was the issue before the Permanent Court of International Justice in the French Nationality Cases when the French government contended that the determination of matters of nationality belonged to the exclusive jurisdiction of the state. The British government denied that this was true when it involved the imposition of nationality upon the subjects of other states against their will²⁷ and its view was sustained by the

²⁴ Article 15, sec. 8.

²⁵ Article 5.

²⁶ Compare the observations of M. Castberg in the *Swiss Revue de Droit International*, 1922, p. 198.

²⁷ See especially the argument of Sir Douglas Hogg, *Acts and Documents Relating to the Judgments and Advisory Opinions of the Permanent Court of International Justice*, Series 6, pp. 26 ff.

decision of the court.²⁸ The court also took occasion to observe that whether a matter is or is not solely within the jurisdiction of a state is essentially a relative question and depends upon the state of development of international relations. It results therefore that what may properly be regarded as a domestic matter today, may be a matter of international concern tomorrow.

As Secretary Hughes pointed out in his address before the Canadian bar association in 1923 the "most troublesome sources of irritation are to be found in the subjects which States properly decline to regard as international in the legal sense." And advertising to the general practice of excluding from arbitration disputes arising out of domestic policies, he said: "but in these days of intimate relations, of economic stress and of intense desire to protect national interests and advance national opportunity, the treatment of questions which, from a legal standpoint, are domestic, often seriously affects international relations. The principle, each nation for itself to the full extent of its powers, is the principle of war, not of peace."

The assertion frequently made that the jurisdiction of a state over all persons and things within its territory is "absolute and exclusive"²⁹ is, as a statement of legal theory, indisputable, but it would be pure self-deception to allow ourselves to believe that it enunciates the rule which states actually apply in their intercourse with one another.³⁰ That jurisdiction is limited legally by the principle of international responsibility and it is limited in fact by considerations of mutual benefit and advantage which in practice make necessary "a relaxation of that absolute and complete jurisdiction which sovereignty is said to confer."³¹

²⁸ *Collection of Advisory Opinions*, Series B, p. 24.

²⁹ It was so stated by Chief Justice Marshall in the case of the *Schooner Exchange v. McFaddon*, quoted above. To the same effect see Lawrence, *Principles of International Law*, 7th ed. p. 199.

³⁰ Compare Brierly, "Shortcomings of International Law," *British Year Book of Int. Law*, 1924, p. 13 and Krabbe (op. cit.) p. 240, who justly remarks that "whenever any interest has been recognized as having legal value by an international legal community, the competence of the State as a legal community undergoes a limitation with reference to the valuation of such interests."

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The obligation of the state to protect foreigners within its territory and to make reparation for injuries which they suffer in consequence of the fault of the state is asserted by all writers on international law;³² it has been affirmed by international arbitration tribunals in hundreds of cases,³³ and the principle is uniformly acted on in practice by governments. From this obligation results the universally recognized reciprocal right of states to protect their nationals abroad, to demand redress for wrongs imputable to the authorities of a foreign state in which they are domiciled and to intervene in their behalf. This admitted right of diplomatic protection necessarily limits the sovereignty of the state in which aliens are domiciled or engaged in business and the increasing influx and settlement in large numbers of aliens in certain states has had the effect of accentuating correspondingly the extent of the restriction.

When we turn from the limitations on the internal sovereignty of the state, that is, its sovereignty over persons and things within its territory, to the consideration of its freedom of action *vis à vis* other states we find that this freedom is limited by the body of customary international law—one of the chief objects of which is the imposition of restraint upon the external conduct of states—and by conventions whereby states assume obligations and renounce their liberty of action in respect to certain matters. International law requires states to abstain from certain conduct, to acquiesce in the exercise within their territory of the authority of other states in certain cases, to prevent their officers and subjects from doing certain acts and to make reparation for the violation by the latter of the law creating these obligations.³⁴

³² See especially Anzilotti, 13 *Revue Générale*, p. 6, and the authorities there cited; Borchard, *Diplomatic Protection of Citizens Abroad*, especially chaps. IV-VIII; DeVisseher, *op. cit.* pp. 89 ff.; Wright, *Control of American Foreign Relations*, Chap. 10, and Audinet, 20 *Revue Générale*, pp. 12, 16, who asserts that it is a principle of international law that a State is bound to accord to foreigners in its territory the same civil rights that it accords to its own nationals.

³³ See notably the decision of Martens in the Case of the *Costa Rica Packet* (5 Moore, *Hist. and Digest of International Arbitrations*, 4453); and the cases cited by Ralston, *International Arbitral Law and Procedure*, Chap. X.

³⁴ Compare Wright, *The Enforcement of International Law Through Municipal Law in the United States*, p. 22.

The acceptance of this law is an essential condition upon which states are admitted to the society of nations; its binding effect is not therefore dependent upon their consent; and it has frequently been asserted by governments that a state which repudiates its authority places itself outside the pale of international intercourse.³⁵

It is a striking tribute to its supremacy that never in any official public act, as Rivier remarks, has any state in our time dared to declare that it would not be bound by this law or its precepts.³⁶ The formal consent of the state is, of course, necessary in the case of conventions enunciating new rules of international law, and it is free to give or withhold that consent, but as regards the generally received customary law—the common law of nations—it is otherwise. In practice states act upon this principle.³⁷

³⁵ See the protest of the diplomatic corps at the capital of Ecuador (1888) and a communication of the United States government to the Ecuadorean government relative to a law passed by the Congress of Ecuador which was pronounced to be "subversive of the principles of international law by which . . . the ultimate liability of governments to one another must be determined," Moore, *Digest of International Law*, vol. I, p. 6. As to the acceptance of international law as a condition of membership in the family of civilized nations, see Maine, *International Law*, p. 38; Phillimore, *International Law*, vol. I, p. 78; Borchard, in Merriam and Others, *Political Theories of Recent Times*, p. 130; Wright, *Control of American Foreign Relations*, p. 358; and Hill, *Procs. Amer. Soc. of Int. Law*, 1916, p. 15. Pillet (1 *Revue Générale*, 10-11) remarks that this principle is a necessary consequence of international society, just as the laws of mechanics are the resultant of elementary physical forces. Hall (*op. cit.* 4th ed. p. 42) very properly remarks that no State living under international law can free itself from its restrictions except by a positive act of withdrawal from the family of nations.

³⁶ *Droit des Gens*, t. 1, p. 22.

³⁷ Westlake (*Collected Papers*, pp. 78-79) declares that when a rule of international law is invoked against a State it is not necessary to show that the State has in fact assented to the rule either diplomatically or by having acted on it. It is enough to show that the general consensus of opinion within the limits of European civilization is in favor of the rule. "International society is not a voluntary but a necessary one and the men who compose any State derive benefits from that society and cannot at their pleasure adhere to it in part and not altogether." Even Lord Alverstone, while insisting in the *West Rand Gold Mining* case upon the necessity of assent, admitted that a rule of international law was binding if it was "of such a nature and has been so widely and generally accepted that it can hardly be supposed that any State would repudiate it."

It is quite true that in case of conflict between municipal and international law, courts and executive authorities are bound by the former rather than the latter; but this does not mean that municipal law is superior to international law, for the international responsibility of the state cannot be altered in the slightest by such contravening legislation. A state is entirely free to enact such legislation and may compel its own courts to apply it, its executive authorities to enforce it and its subjects to obey it, but it cannot compel other states to recognize its validity.³⁸ It is one of the elementary principles of international law and one that is constantly acted upon in practice that the municipal law of a state is not the measure of its international responsibility and it cannot be invoked as a defense to a claim put forward by another state for reparation for wrongs to the citizens of the latter done in violation of international law.³⁹ It amounts to little in effect, therefore, to concede to national sovereignty the right to enact and enforce legislation contrary to international law, when in the same breath it is declared that if the right is exercised the state exercising it will be held responsible and compelled to make reparation for injuries sustained by other states in consequence thereof.⁴⁰

³⁸ On various occasions the government of the United States has released conscripted aliens, liquor smugglers seized outside the three-mile limit and vessels engaged in taking seals in the open seas when the constitutionality of the municipal legislation under which these acts were done was upheld by the Courts. (See the cases of *ex parte Larrucea*, 249, *Fed. Rep.*, 981 and *In re Cooper*, 143, U. S., 472.) The persons and ships were released upon demand, because the municipal legislation under which they were conscripted or seized was admittedly in contravention of well-established rules of international law. In such cases the American government evidently proceeded on the principle that international law is superior to municipal law.

³⁹ See especially Borchard, *Diplomatic Protection to Citizens Abroad*, p. 181. Compare in this connection an instruction of Secretary of State Bayard to the United States Minister to Colombia, Oct. 13, 1886, Moore, *Digest* vol. II, p. 4. The United States Supreme Court in the *Chinese Exclusion Cases* (130 U. S. 600), while upholding the constitutionality of an act of Congress passed in violation of treaty obligations admitted that the act constituted no defense in international law.

⁴⁰ As Krabbe (*Modern Idea of the State*, p. 234) pertinently remarks, nothing is gained by distinguishing between a legal competence which remains intact and a competence to act which is limited.

It is only when the injured state chooses to submit to such legislation, or is too weak to exact reparation, that the contravening rule of municipal law really prevails over the rule of international law. Therefore, those who like Kohler and Pillet⁴¹ assert that international law is supreme over municipal law are not merely expressing an ideal but are stating what in practice is a fact. It is believed that this was the view entertained by the early writers on international law.⁴² And it makes no difference whether the rules of international law are regarded by jurists and text-writers as law in the technical sense of the term or something else, so long as they are deemed to be binding and for the violation of which states will be held liable.⁴³ It is equally immaterial whether, as is sometimes contended,⁴⁴ courts and executive authorities when they apply its rules enforce them rather as rules of municipal law from which they are assumed to derive their validity, than as rules of international law. The effect is the same whichever view is adopted. The important fact is that the rules are regarded as binding and are applied.

Finally, the assertion sometimes made that each state being independent may interpret for itself how far the principles of international law are applicable, and that in practice states "interpret it for themselves usually as they find it expedient"⁴⁵

⁴¹ *Völkerrecht des Privatrechtstitel, Zeitschrift für Völkerrecht und Bundesstaatsrecht*, 1908, p. 209. *Le Droit International Public, etc.*, 1 Rev. Gén., pp. 9-10; also article *Les Droits Fondamentaux des Etats, etc.*, 5, *ibid*, p. 82.

⁴² Thus Richard Hooker in his *Ecclesiastical Policy* (I, 10), published in 1592, said the "strength and virtue of the law of nations is that no particular nation can lawfully prejudice the same by any of their several laws and ordinances any more than a man by his private resolutions the law of the Commonwealth wherein he liveth or annihilate that whereupon the world hath agreed."

⁴³ Compare Scott, "The Legal Nature of International law, 1 *Amer. Journal*, 832.

⁴⁴ For example, by Willoughby, "The Legal Nature of International Law," 2 *Amer. Jour. of Int. Law*, 357.

⁴⁵ This is the view of Professor R. N. Gilchrist, in his *Principles of Political Science*, p. 128. He adopts the Austinian view that the rules of international law are rather rules of international morality than rules of law. He admits that they are usually observed, but asserts that "ultimately the individual states have to say what laws apply to them and how they apply."

is not well-founded in fact. It may be the legal theory but it is not in accord with the practice. States, of course, sometimes assert a claim to be the judges of the applicability and the meaning of the law, just as they sometimes assert a claim to judge of the measure and nature of protection which they are obliged to afford to foreigners and of the degree of responsibility which they owe to other states, and occasionally they are able to impose their interpretation upon weaker states, but their right to do so is never admitted and in controversies between states of equal strength the attempt usually fails.

If we examine the limitations on the freedom of national action established by treaties and conventions we shall be struck by their number and variety. It may now be said that the civilized world is knit together by a vast net-work of international agreements the number of which is said to be in the neighborhood of 25,000⁴⁶ and the number is rapidly increasing.⁴⁷ An examination will show that the most of them limit in some way the freedom of the contracting parties.⁴⁸ To appreciate the full extent and diversity of these limitations it would be necessary to make a digest of all the treaty collections in existence. During the past fifty years a large number of multi-

⁴⁶ This is the estimate of Mr. D. P. Myers in an article on "The Control of Foreign Relations," in the *American Political Science Review*, vol. 11, p. 24.

⁴⁷ Between May, 1920 and October, 1924 the Secretariat of the League of Nations registered 764 treaties. The average is now about 175 per year.

⁴⁸ Thus treaties of arbitration, treaties providing for the investigation of disputed facts, and treaties obliging the parties to submit their disputes to the Permanent Court of International Justice limit their freedom in respect to the making of war and the same may be said of treaties by which the parties obligate themselves not to employ certain weapons or instrumentalities for injuring an enemy, not to erect fortifications on their frontiers or in certain parts of the interior or not to construct certain types of war ships or ships above a certain tonnage or in excess of fixed ratio. The State's freedom of action is especially limited by commercial treaties obliging each party to admit the subjects of the other to enter, reside and carry on business in its territory, to own and dispose of land, to have access to its courts, to attend its public schools, to be exempt from conscription and compulsory loans, to receive the same protection in their persons and property as are afforded to nationals and to depart freely with their goods and effects in case of war.

lateral conventions have been concluded between groups of states and in many cases between virtually the whole body of states, the effect of which has been to create a net-work of common obligations the performance of which necessarily reduces in large degree the domain of national freedom of action. Many of these conventions obligate the parties to enact certain specified legislation or to revise their existing legislation; to take specific measures to facilitate the execution of the treaties; to refrain from certain conduct and to forbid and prevent their subjects from doing certain acts.⁴⁹

The fact that the limitations established by conventions are self-imposed does not affect their character as actual restrictions upon the freedom of the parties.⁵⁰ Theoretically any party may break them or repudiate them *in toto*, but in fact its right to do so is not admitted and in practice it is rarely done, for the principle *pacta sunt servanda* is universally recognized to be the foundation of conventional international law. The only way by which a state may preserve its sovereignty unimpaired is by refusing to enter into conventions which place restrictions upon its exercise. The right to so refuse, of course, belongs to every state, but under the conditions of modern international life the assumption of treaty obligations and the admission of restraints upon national liberty of action is, in fact, often a matter of necessity rather than of choice if national rights and national

⁴⁹ See notably the so-called White Slave Convention (analyzed by Renault in 9 *Rev. Gén.* 497 ff.), the Radio Telegraph Convention, the North Sea Fisheries Convention, the Convention for the Simplification of Customs Formalities, the Convention of February 9, 1920 concerning Spitzbergen, the Washington and Genoa international labor conventions, the Barcelona and Geneva Conventions of 1921 and 1923 relative to communications, transit, etc. As to the nature of the limitations created by the last-mentioned conventions see De Visscher, *Droit International des Communications*, especially pp. 7 ff.

⁵⁰ Schücking, (*op. cit.* p. 122) pertinently points out that these who, while admitting that the State may be bound by its own will, deny that it can be bound by a foreign will are in error, since self-imposed obligations in fact involve the subjection of the State to the control of a foreign will. Thus where a State obligates itself by treaty to surrender fugitive criminals, upon the demand of another State, it is no longer free to act upon its own will but must obey the will of a foreign government when a just demand for extradition is made.

interests are to be secured and advanced.⁵¹ A state which should persistently refuse to admit any conventional limitations whatever upon its sovereignty would ultimately find itself outside the pale of international intercourse and deprived of rights which are essential to its existence and progress.

The old theory of absolute sovereignty *vis à vis* other states fitted in very well with the actual conditions of international society at the time it was formulated by the jurists. Today the situation is totally different. In the place of an "anarchy of sovereignties" we have a society of interdependent states, bound by law and possessing a highly-developed solidarity of interests. Economically the world has become in large degree a unit; it has acquired the character of a delicate organism, each part of which is affected by whatever occurs in other parts.⁵² Writers are not in agreement as to when the transformation of the international community from an aggregation of "distinct sovereignties," as Marshall characterized it, into a juridical society of states actually took place. The date is immaterial; the fact that the transformation had already taken place even before the establishment of the League of Nations is admitted by nearly all writers on international law.⁵³ For a long time the society of states was without organization or institutions and it is not yet fully organized, but it was never purely anarchistic

⁵¹ Compare Wehberg, the *Problem of an International Court of Justice* (trans. by Fenwick) p. 3; and Von Liszt, *Das Völker-recht*, p. 10. Chief Justice Marshall, in the case of the *Exchange v. McFaddon*, while affirming the "absolute and exclusive" sovereignty of every nation within its own territory added that their "mutual benefit being promoted by intercourse with each other and by an interchange of those good offices which humanity dictates and its wants require, all sovereigns have consented to a relaxation in practice . . . of that absolute and complete jurisdiction . . . which sovereignty confers."

⁵² Norman Angell in his *The Great Illusion* (especially chap. III) and in his *American and the New World State* (chap. I) has pointed out how delicate is this organism and how easily economic and financial disturbances in one part of the world react upon other parts. Compare also Wehberg, *op. cit.* pp. 1 ff.

⁵³ See notably Westlake, *Collected Papers*, p. 3; Pillet 1 *Rev. Gén.* 3; Rivier, *Droit des Gens*, vol. I., p. 8; Jitta, *La Rénovation du Droit International*, pp. 185-6; Hill, *World Organization*, chap. III; Lawrence, *The Society of Nations*, chap. I; and the resolution of the American Institute of International Law adopted at Havana, Jan. 23. 1917.

as Jellinek asserted,⁵⁴ from the time it came to be regarded as being governed by law.

Respectable authority indeed is not lacking for the view that even before the establishment of the League of Nations the world had already advanced from the stage of a mere society and had acquired the character of a federation possessing a corporate juristic personality, and that the law by which the rights and duties of its members in their relations with one another are determined is imposed upon them by the society of states and is not the result of agreement among them.⁵⁵ Those who adopt this view maintain, quite logically, that the law of the society of states is superior to the law of any particular member and that the term "international" law is therefore self-contradictory and unscientific and should be replaced by some such term as "super-national" or "supranational" law.⁵⁶ If we disregard the legal theory and consider the facts and practice we shall find much to support this view.

⁵⁴ See Oppenheim's criticism of Jellinek's view, *The Future of International Law* (1921) p. 9. As Oppenheim points out organization is not essential to the existence of a juridical society.

⁵⁵ Such was the thesis of the late Alpheus H. Snow who asserted that "it is not going beyond the fact to say that at the present time the nations and peoples of the world are, by agreements, by commerce, by relationships, and by institutions indissolubly and federally united, so that they together constitute a body politic and corporate which is the law-giving personality above the nations." He adds that it is not necessary that it should be formally created as an institution, its functions defined and organs and agents provided; it exists by recognition of the nations, that is, by society at large. See his article "The Law of Nations" 6 *Amer. Jour. of Int. Law* (1912), p. 894; also his *American Philosophy of Government*, p. 427. French translation in *Rev. Gén.* 1912, pp. 309, 318. Compare also Scott, *The Recommendations of Havana Concerning International Organization*, (1917), pp. 40-41.

⁵⁶ So Mr. Snow maintained in the article cited above. Compare also Hull, *Procs. Amer. Soc. of Int. Law* (1911) pp. 280-289, who advocates a somewhat similar change of terminology. See also Pillet, 5 *Revue Générale*, p. 87, and Krabbe, (*op. cit.* pp. 245-6) who remarks that the term "international" law is really a misnomer and that since "the law of nations has now developed into a super-national constitutional law it would be better in the future to use this term, thus carrying out in terminology the parallelism between national and super-national law." Sir James Fitzjames Stephen in his *History of the Criminal Law of England* (vol. II, p. 35) observed that international law is not law so far as it is international nor international so far as it is law.

Whichever view we adopt regarding the legal nature of the society of states, we are bound to reject the theory that in fact it is nothing more than an anarchy of sovereignties. In its present state of development the absolutist conception of sovereignty, viewed in its external manifestations, is wholly incompatible with the existence of that society and it ought to be abandoned along with that other useless fiction known as the equality of states.⁵⁷

As already stated above, the term is not only inapt, unscientific and confusing, but the notion itself is misleading and even dangerous since it gives rise to illusions and creates a mentality which has often proved to be an obstacle to the maintenance of peace and the advancement of the common interests of states. The pretended "prerogative" of sovereignty has often been invoked to justify national conduct which was in violation of the rights of other states and the common interests of the society of states. It has afforded the basis of the claim asserted by states to close rivers to navigation by peoples inhabiting the upper territory through which they flow, to forbid the transmission of radio telegrams through the air above their territory,⁵⁸ to exclude foreign aircraft from navigating the air above

⁵⁷ Westlake suggests that the term should be replaced by the word "independence," which is a negative conception and implies the notion of freedom from the control of other states rather than the right of a superior to command and control an inferior. Scelle *op. cit.*, p. 94, also advocates this change of terminology on the ground that "independence" connotes an idea of social relations among States analogous to the liberty of individuals. In fact the term "sovereignty" envisaged from the point of view of its external manifestations is used by many writers on international law as synonymous with "independence." See the discussion by Crane in his *The State in Constitutional and International Law*, pp. 49 ff. Hall, *op. cit.* p. 19, remarks that the theory of absolute sovereignty is not necessary to the concept of a legal relation between States. Brierly (article cited, p. 14) suggests that since the traditional theory of sovereignty is qualified by actual practice, it might be reformulated on the basis of the analogy found in the municipal law of many states by which qualifications are imposed on the ownership and use of private property. On this point see also Phillimore, *International Law*, vol. I, (1st. ed.) p. 433 and vol. II, p. 313.

⁵⁸ Rolland, *La Télégraphie Sans Fil et le Droit des Gens*, 13 *Rev. Gén.* 75; Fauchille, *La Télégraphie sans Fil et le Droit International*, 47 *Revue de Droit Int. et de Lég. Comp.*, p. 7 ff.

them,⁵⁹ to confiscate the property of aliens, and to repudiate debts due to foreign bondholders.⁶⁰

An almost superstitious attachment to the theory and the disinclination to abate a jot or tittle of the substance has been the chief obstacle to the organization of the world for the promotion of common economic interests and the establishment of safeguards for the maintenance of the general peace. As is well-known, the conventions of 1907 for the creation of the International Court of Arbitral Justice and the International Prize Court were opposed on the ground that the obligation which they established to have recourse to the former and to allow appeals from national courts to the latter would amount to a surrender of the sovereignty of the states which were parties thereto.⁶¹ Those who so contended overlooked, however, the

⁵⁹ A right now definitely affirmed by the International Air Convention of 1919. (Art. 1.)

⁶⁰ See the reply of the Soviet government of Russia to the Genoa Conference (*New York Times* May 12, 1922). The late Senor Drago in an article entitled *Les Emprunts d'Etat et leurs Rapports avec la Politique Internationale*, published in the *Revue Générale de Droit International* for 1907, pp. 251 ff, invoked the principle of national sovereignty to sustain an argument that when a State defaults in the payment of bonds held by foreigners, or even repudiates them, other States whose nationals sustain losses in consequence thereof have no right to protest or intervene. The issuing of bonds, he argued, is a power of sovereignty and there is no denial of justice in the failure to pay them, because there is no international court with jurisdiction to hear and determine complaints arising therefrom. See the trenchant criticism of this perversion of the concept of sovereignty, by Sir John Fischer Williams in the *Bibliotheca Visseriana*, vol. II, pp. 21 ff.

It may be observed that during the controversy in 1901 between Venezuela and certain foreign governments relative to claims for unpaid bonds issued by the Venezuelan government and held by nationals of the other governments the Venezuelan government, invoking the rights of sovereignty in domestic matters, insisted that the national laws of Venezuela were conclusive as to the merits of the claims in controversy. This contention, of course, was not admitted and it was denied by the mixed commissions to which the claims were ultimately submitted. See G. W. Scott, "Use of Force to Recover on Contract Claims," 2 *Amer. Jour. of Int. Law*, p. 82.

⁶¹ Such was the contention of Barbosa, Beernaert, Carlin, and others. Their arguments are summarized by Nippold, in *Die Zweite Haager Friedens Konferenz*, Bd. I, 93 ff. Such also was the contention of Von Liszt, *Das Völkerrecht*, p. 13, and Pohl in a monograph entitled *Deutsche Preisengerichtbarkeit; Ihre Reform durch das Haager Abkommen vom 18 October 1917*. (Tubingen, 1911.) Pohl argued that an international prize court would be a super (*überstaatliche*) institution to which states would be subordinate.

important facts that the establishment of both courts was a purely contractual matter depending upon the voluntary consent of the states which ratified the Conventions, that the duration of both Conventions was limited, and that by their express terms the privilege of denunciation was reserved to the parties. The ratification of the Conventions would, therefore, have entailed no surrender of sovereignty any more than is involved in the assumption of other treaty obligations.⁶² It is hardly necessary to add that the supposed loss of sovereignty which it would entail has constituted the main argument against the United States joining the League of Nations or even coöperating with it in the accomplishment of its more important objects.

It may not be improper to observe that governments and statesmen in their attitude toward the rights of sovereignty have not always applied the same standard to other states which they insist must be applied to their own; that is, while claiming for their own country an absolute and unlimited sovereignty they have on occasions, asserted that the sovereignty of other states is qualified and limited by the rights of all.⁶³ Thus in

⁶² This was pointed out by Schücking, *op. cit.*, pp. 99, 122, 124; by Hold von Ferneck, *Eine Lanze für den Prisenhof*, *Zeitschrift für Völkerrecht und Bundesstaatsrecht*, Bd. 6 (1913) pp. 1 ff. Compare also Oppenheim, *The Future of International Law*, p. 44, and Root 15 *Amer. Jour. of Int. Law*, p. 8.

⁶³ American statesmen have uniformly maintained the theory of the absolute and exclusive sovereignty of the United States but during the controversy with Colombia concerning the Isthmian Canal treaty it was contended by high authority that the sovereignty of Colombia was limited by the right of other states to have the canal constructed in any event. Compare the following from an address of Mr. Elihu Root on "The Ethics of the Panama Question" before the Union League Club of Chicago, Feb. 22, 1904 (printed in Senate Document no. 471, 63rd. Congress, 2d. Session, p. 39): "By the rules of right and justice universally recognized among men and which are the law of nations, the sovereignty of Colombia over the Isthmus of Panama was qualified and limited by the right of the other civilized nations of the earth to have the canal constructed across the Isthmus and to have it maintained for their free and unobstructed passage." As a universal principle equally applied, this view we believe is sound, but in the particular controversy it was put forward by those who asserted it as a justification of conduct by their own government, the rightfulness of which was denied by that one whose sovereignty had been contested. Would they have admitted the validity of the principle asserted if it had been applied to their own country?

controversies that have arisen, the view of a particular government as to whether sovereignty is unlimited or qualified has often depended upon the answer to the question, whose sovereignty was actually involved, its own or that of the other party?

It is entirely natural that states should manifest a reluctance to assume obligations the effect of which would be to limit their own freedom of action and especially those which involve in any degree a renunciation of what they consider their sovereignty. "The theory of absolute and exclusive sovereignty," as an eminent French jurist remarks, "flatters the national pride, favors ambition and gives the illusion of security. Pride rejoices in being master and in not being obliged to bow before any other master; ambition finds pleasure in the right of undertaking everything for which strength promises success; the mirage of omnipotence gives to weakness the illusion that absolute sovereignty covers it and that the state cannot without peril renounce this shadow of protection."⁶⁴

It is believed, however, that this reluctance of states to admit even self-imposed limitations upon their own freedom has often been due in part to a misconception of what is really involved in the acceptance of such limitations, and in part to the failure to appreciate fully the benefits which would result to themselves and to the community of states, in the reciprocal assumption of obligations and the renunciation of unlimited freedom of action. In fact, no surrender of sovereignty results from the voluntary assumption of contractual obligations; sovereignty is lost only when a state has been deprived, against its will, of its freedom of action, by an external power.⁶⁵ It is hardly necessary to observe also that the renunciation of liberty of conduct through treaty engagements is usually reciprocal; whatever one party renounces the other party or parties renounce equally, so that as among themselves they are all left on the same footing of equality as before the renunciation.

Manifestly, if every state should, in practice, conform its conduct to the theory of absolute sovereignty and refuse to

⁶⁴ Dupuis, *Le Droit des Gens et les Rapports des Grandes Puissances*, p. 495.

⁶⁵ Compare Oppenheim, *The Future of International Law*, p. 11.

assume any obligations which involved restrictions upon the exercise of its sovereignty, the condition of international society would, indeed, be that which Hobbes in his day conceived it to be. Limitations upon liberty is the price which must be paid for all social progress, whether it be local, national, or international. All advance in the development of conventional international law, in the progress of international organization, and in the promotion of the common interests of the community of states, has come through mutual restraint and concession voluntarily imposed or granted by states.⁶⁶ Particular states have often found that their own security and welfare could be better promoted by surrendering their sovereignty and uniting in federal unions rather than by remaining independent.

More and more, states in general have found it to their advantage to accept limitations upon their freedom; they have found that the benefits obtained thereby usually more than compensate for the loss of the freedom thus sacrificed; often indeed it has been a matter of necessity in order to acquire essential rights and advantages which could not otherwise be obtained. It is believed that the guiding principle which should be followed in determining whether an international obligation can be safely assumed or a restriction upon national sovereignty accepted, should be sought less in the extent of the obligation than in the value of the object sought to be accomplished. The price exacted may sometimes seem excessive, yet the object to be achieved may be of immense value to the state and of inestimable benefit to international society as a whole.

⁶⁶ Compare on this point the remarks of the late Secretary of State, P. C. Knox, before the Pennsylvania Society of New York, December 11, 1909, published in 4 *Amer. Jour. of Int. Law* 181 and an address of Viscount Grey on the League of Nations, *New York Times*, June 30, 1918.

IBSEN'S POLITICAL AND SOCIAL IDEAS

PHILIP GEORGE NESERIUS

Man, "to be himself," is "to realize himself." This fundamental thought became a beacon of light which Ibsen unhesitatingly followed through financial distress, through social isolation, and through severe and often malicious criticism by his contemporaries. To advance the country and elevate the people was Ibsen's cardinal aim, which he consistently strove to attain.¹ He dared to be himself; he spoke the truth when he saw it, and fought for his convictions. If one never commits himself, he never expresses himself; his self becomes less and less significant and decisive. Calculating selfishness is the annihilation of self. This was not true of Ibsen. In a letter to Björnson he says: "Had I to decide on an inscription for the monument, I should chose the words: 'His life was his best work.'" So to conduct one's life as to realize one's self seems to be the brightest attainment possible to a human being. It is the task of one and all of us, but most of us bungle it."² Ibsen strove for this attainment, firmly believed in living his self, in being taken as his own personality, in being understood. He separated himself from his own parents, because a position of half-understanding was unendurable to him.³ He also left his country, voluntarily exiling himself, to be better able to deliver his message. During this period of residence abroad nearly all of his works were written. He faced a storm of discussion, approving and disapproving, which must have assured him that he had again aimed correctly and struck well at another timeworn, declining institution of society.

Such blows Ibsen deemed necessary to arouse the people from

¹ *Samtliche Werke*, Bd. 1, Intro.

² *Letters of Henrik Ibsen*, p. 359.

³ *Ibid*, p. 146.

the rut into which their thinking had fallen, to present to them problems which they had not stopped to analyze and indicate to them that a solution was possible, though the future would have to work it out for them. The idea of reforming organized institutions and above all of bringing about political reforms was repugnant to Ibsen. It was a wrong aim, for nothing can set society right, except society itself by living its self in unrestrained freedom.⁴ To aid society in finding its weak points, by shattering its long cherished idols, by leading it on to the truth was his aim. Ibsen has opened channels for discussion which practically deal with all the fundamental phases of human life. His attitude toward the relation of the individual to society, toward democracy in general and, above all, his view on the emancipation of women are phases of his works which captivate and hold the interest of students.

Ibsen does not, as Schiller and Goethe, picture the struggle of one suppressed class of society against another, not even the struggle of the masses against tyranny, but the revolt of an individual against existing society and against the conditions such society creates. In the *Catiline* we have the work of a genius in revolt against the ruling class and institutions.⁵ His tendency to view the individual as a unit, whose interests are diametrically opposed to the general interests of the state, dates from this work. Henceforth, his entire thought revolves about the relation of the individual to society, and this becomes the chief and central problem of Ibsen's writings. He directs his revolutionary polemics against the government of human society as at present organized.

Ibsen is the most convinced and consistent poetic champion of individualism. Early in his career he was fascinated by the virtue of self-reliance, militantly advancing against the authority of state, church and family. The conflict between the individual and the political state, the individual in discord with the authority-sanctioned superficiality of the church as a religious institution, we meet in *Catiline* and in *Brand*. Brand advances forcibly

⁴ Heller, O., *Henrik Ibsen*, p. 67.

⁵ Reich, Emil, *Henrik Ibsen's Dramen*, p. 14.

against the spiritual lassitude that prevents the individual from developing a more personal and, therefore, more intimate feeling for his religion. "Formerly each man was a member of the church, now he is a personality."⁶ It is this expression of one's personality that does not suit the Provost, the representative of society as it is. He thus expresses it to Brand: "Hitherto you paid too much attention to the particular needs of individuals; between ourselves, that is a grave fault. Weigh them in the lump, comb them all with the same comb; believe me, you will not repent it."⁷ But since Brand is not that kind of shepherd, he cannot conform to the principles of life as outlined by the Provost, and totally misunderstood by the people among whom he had lived and worked, he dies as he had existed on the height unattained by any other fellow-being of the lowland.

In *Love's Comedy* Ibsen challenges society to the fight for moral and intellectual consistency against universal sham. The weakness of society is the general belief or pretense that love, ideal and lofty, is everlasting in the union of lovers. Falk takes it upon himself to expose the irony of this belief and to denounce society for sheltering and perpetuating such a lie. Viewed in the light of his later utterances on similar occasions, we feel the depth of Ibsen's indignation against such social lies in Falk's words:

And this they think is living, Heaven and earth,
Is such a load so many antics worth?
For such an end to haul up babes in shoals,
To pamper them with honesty and reason,
To feed them fat with faith one sorry season?⁸

And in reply to Svanhild's suggestion to flee, he says:

Is not the whole world everywhere the same?
And does not Truth's own mirror in its frame
Lie equally to all the sons of men?⁹

Falk strives to free himself from the evil of the social lie, for to him to be free means to do what he is called upon to do, to assist in fighting sham and pretense.

⁶ Archer's translation of Ibsen's Works, III, p. 232.

⁷ *Ibid*, p. 230.

⁸ *Ibid*, Vol. I, p. 430.

⁹ *Ibid*, Vol. I, p. 431.

Before Falk can hope to succeed in the task he must first educate himself; he must work out his own salvation, before he can be of service to the community. It appears that from aimless attack upon the existing order, Ibsen changed to the exaltation of the individual, following him and guiding him in his process of self-education and, to anticipate, in a further progress thence to the successful socialization of the developed individual.

Consul Bernick of *The Pillars of Society* is subjected to such an ethical education, with the aim of making him the outpost of a truthful community. The play is a serious accusation against society, against the moral foundation of modern society. Consul Bernick owes his success, his reputation and even his family happiness to a lie and to his moral cowardice. His fear of public opinion, his struggle to keep up appearances, make him a despicable coward.

Ibsen discloses unsparingly the very depth of moral depravity existing in society, and particularly in the circles which should look out for its welfare and guide it. He questions what society gives to the individual. Is society willing at any cost to improve, is society willing to follow a leader? Not unless this leader caters to the populace and assures it of immediate gain.¹⁰ But a man who has no sense of subordinating his individuality to mere local community interests can seek no understanding with society; the voice of society condemns such a truth-loving individual and far from considering him a friend of the people, pronounces him an enemy.

In the *Wild Duck* Ibsen questions whether he had any right to demolish the ancient moral to save the individual.¹¹ Is it not better for the individual to remain in the illusions in which he has been brought up, in the belief of his own importance and of his relation to society? Rob the average man of his life-illusions and you rob him of his happiness at the same time.¹²

In the *Little Eyolf* Ibsen changes from egoism to altruism. Here the individual places the interests of society above his own,

¹⁰ Litzmann, B., *Ibsen's Dramen*, p. 63.

¹¹ Boettcher, F., *La Femme dans le Théâtre d'Ibsen*, p. 133.

¹² *The Wild Duck*, Act v, p. 372.

subjugating his own self by striving to provide others with a loftier and better life. The individual does not liberate himself from his selfish purposes and intentions, because he does not live and work for the sake of others,¹³ His only aim is to lord it over others and he strives to attain the social height from where he can best do so. Extreme individualism, according to Ibsen, which disregards the surrounding conditions and limits set for it by social requirements, cannot succeed. A broader conception of the world is necessary to make the work of the individual really effective for society. The individual to be influential must always be above the society in which he lives.

Ibsen never considered himself a child of a people, a leader of a group, a member of society, or a part of a whole; he felt himself exclusively a gifted individual, and the sole object in which he believed and for which he cherished respect was personality. It is through personality that supreme truth can be achieved and the rebirth of humanity accomplished, against whose progress society and its chief agent, the state, at present stand. The future will solve the problem of this transformation and bring about the third kingdom. Ibsen lends his personality to illumine the road and to lead those who walk in the dark.

IBSEN'S ATTITUDE TOWARD DEMOCRACY

As early as 1849, Ibsen became engrossed in political matters; he was as revolutionary, as a young man with strong convictions of liberty and freedom frequently is. Though it is claimed that he never was at heart a red-hot revolutionist,¹⁴ it cannot be denied that during the years 1850-51 he was intensely interested in the socialistic ideas stirred up by events in France, and openly joined the opposition to the existing regime by working for a political journal.

Ibsen's politics deal with the individual, the advocate or representative of an outspoken tendency. His political ideas never became theoretic or dogmatic,¹⁵ except where they touched upon

¹³ Litzmann, B., *Ibsen's Dramen*, p. 161.

¹⁴ Heller, O., *Henrik Ibsen*, p. 66.

¹⁵ Lothar, R., *Henrik Ibsen*, p. 24.

the organization of the state, which he regarded as the curse of the individual, and which he was willing to fight. The state, he held, at its best can provide the individual with civic privileges only, can treat him as a citizen, and can take care of his material welfare, paying little or no attention to his spiritual interests. The political situation in Norway at that time, when the majority of the members of Parliament were rural representatives, considerably influenced Ibsen's conclusions.¹⁶ In a letter to Brandes he says: "As to liberty, I take it that our dispute is a mere dispute about words. I shall never agree to making liberty synonymous with political liberty. What you call liberty, I call liberties; and what I call the struggle for liberty is nothing but the constant living assimilation of the idea of freedom."¹⁷ Liberty, as ordinarily understood, is only for the citizen, and the individual does not necessarily have to be a citizen. "On the contrary—the state is the curse of the individual. . . . The state must be abolished! In that revolution I will take part. Undermine the idea of the state; make willingness and spiritual kinship the only essentials in the case of a union and you have the beginning of a liberty that is of some value."¹⁸

Ibsen's assertion that free choice and spiritual kinship are the only binding qualities for a union might lead the uninformed to think that the defender of the rights of the individual was advocating an anarchistic state of society. Nothing was further from Ibsen's mind in his later years, in the period of his greatest productivity, than to hold and express in his works socialistic and even democratic ideas in connection with organized society. In devoting himself to the cause of the individual he had conceived of a state of society that might be termed a loftier form of aristocracy. He looked forward to a time when human minds and emotions shall be beyond the necessity of external supervision and control, to a development of the individual, so wonderful in its efficacy that under enlightened anarchy mankind would attain an almost ideal state. But such an ideal state must remain

¹⁶ Reich, Emil, *Henrik Ibsen's Dramen*, p. 95.

¹⁷ *Letters of Henrik Ibsen*, p. 208.

¹⁸ *Ibid.*

visionary, the hope of the poet and the philosopher,—while the common people continue synonymous with the mob: ignorant, foolish, reckless and easily led astray by their passions.

Ibsen expressed himself publicly to that effect in a brief address at a workingmen's meeting at Trondjeim (1855) when he said: "There remains much to be done before we can be said to have attained real liberty. But I fear that our present democracy will not be equal to the task. An element of nobility must be introduced into our national life, into our parliament, and into our press. Of course it is not nobility of birth that I am thinking of, nor of money, nor yet of knowledge, not even of ability and talent. I am thinking of nobility of character, of will, of soul."¹⁹ Before this transformation within mankind shall take place, the ideal state cannot come to pass.

Again and again, Ibsen emphasizes the necessity of a revolution of humanity from within, and scorns the political attempts to establish democratic forms of government. Commenting upon the events taking place in France in 1870 he says: "Liberty, equality, and fraternity are no longer the things they were in the days of the late-lamented guillotine. This is what the politicians will not understand, and therefore I hate them. They want only their own special revolutions, revolutions in externals, in politics, etc. But all this is mere trifling. What is all-important is the revolution of the spirit of man."²⁰ Yet, democracy itself stands in the way of such revolution for democracy, says Ibsen, gives the individual no opportunity to develop, to rise above his surroundings, to push his head above the common level. Democracy insists on having the individual conform to its levels. It tends to a dead level and opens a way for the commonplace; it equalizes, generalizes and standardizes men, making them alike in ideal, thought and emotion.

All this was contrary to Ibsen's principles and beliefs, for he never doubted that it is given to the individual, alone, to attain the acme of culture and civilization; the mob can only hinder. In *Brand* we witness the struggle of the individual with the majority.

¹⁹ *Speeches and New Letters of Ibsen*, p. 53.

²⁰ *Letters of Henrik Ibsen*, p. 205.

Brand, the idealist, is expelled and stoned when the majority that follows him for only a brief while realizes that the ideals he had held out to them cannot readily be materialized. The society in which Brand lives is based on concessions and compromises, on selfish aims and material advantage. It is not yet educated to the altruistic and lofty point of view where it can understand and follow a spiritual leader.

In the *Enemy of the People* we have the struggle of the individual with the "compact" majority, intensified by his personal experience obtained through the stupidity and harmfulness of the populace. Who is right? The individual or society? Does not democracy stamp itself as a fallacy and a time-worn superstition, for whoever believes that the fools outnumber the sages, cannot think otherwise than that in a democracy justice and wisdom are most likely to be overruled. The individual alone is right, and the "compact" majority can only represent the low and wicked in society. The majority can, therefore, never be the herald of progress, and it is left to the individual alone to hold aloft "the banner of the ideal." Such an individual must stand on a height by himself and cannot have a majority around him.²¹

"I maintain," says Ibsen, "that a fighter in the intellectual vanguard can never collect a majority around him. In ten years the majority will, possibly, occupy the standpoint Dr. Stockman held at the public meeting. But during these ten years the Doctor will not have been standing still; he will be at least ten years ahead of the majority. He can never have the majority with him."²² Ibsen views his hero's attempt to deliver his message to the mob, which has but little regard for him as an individual, as a sacrifice of self for the public good. He leads him to the conclusion that he can only achieve his aim by remaining alone, he leads him to realize that the strongest man is the one who stands by himself, he permits him to turn to the future for a solution of the problem and face the coming dawn as schoolmaster to the generation that is to help on its own progress.

At heart, though, Ibsen sided with political freedom as he did

²¹ Archer's transl. of Ibsen, I. Intro. xiv.

²² *Letters of Henrik Ibsen*, p. 370.

with freedom of conscience in any form and, therefore, joined in many demands of the Liberals. He was no advocate of any political party or tendency, and in his *League of Youth* did not mean either to criticize liberalism or to defend conservatism. His object was to fight pretension, in this case the idle Liberal phrase, so often found in the mouths of those who use it for selfish purposes. When Ibsen relieves himself in an outburst like "The Liberals are the worst enemies of freedom," or "the Liberals are most treacherous enemies of free men," he refers to the tyranny of "liberals" in intellectual things. The arraignment was meant for the sham reformers whose short-ranged vision is a greater obstacle to progress than a reasonable and principled conservatism.²²

In a letter to Brandes he says: "It will never, in any case, be possible for me to join a party that has the majority on its side." And further on: "I must of necessity say 'The majority is right.' Naturally I am not thinking of that minority of stagnationists who are left behind by the great middle party which with us is called Liberal; but I mean that minority which leads the van and pushes on to points which the majority has not yet reached. I mean that man is right who allied himself most closely with the future."²⁴ In his own opinion, then, Ibsen was right; in our opinion, well, suppose we too follow the lead of the philosopher, and leave the decision to the future.

IBSEN ON THE EMANCIPATION OF WOMAN

The choice of Ibsen's material and its presentation show that the author expected some definite contribution from woman toward the solution of the cultural and social problems. Ibsen explores women's soul with unusual skill, broadening the dramatic world, and adding woman to what had seemed until then "a world of bachelor-souls."²⁵ He furthermore chooses the married women for his heroine, presenting her in her relation to her home, family, and society.

²² Heller, O., *Henrik Ibsen*, p. 89.

²⁴ *Letters of Henrik Ibsen*, p. 349.

²⁵ *Pillars of Society*, Act IV, p. 408.

Shall woman be an individual? Then she must not be restrained from exercising her individuality, for the foundation of the social structure rests on the intelligent relations of the sexes. Brandes says: "As far as I can judge, the idea of woman's emancipation, in the modern acceptance of the phrase, was far from being familiar and dear to Ibsen at the outset of his career."²⁶ There is a gradual increase in the complexity of the problems which confront his feminine characters and in the nature of the characters themselves. In regard to the latter his early works deal with two separate types of character: one depicting the virtues of the angelic woman, the other her diabolic prototype. He divides women into two distinct classes, those controlled by their wills and those led by their hearts. He keeps the two classes well apart, blending them only in *Lady of Oestrot*, to show the tragedy that arises when heart and will conflict. His sympathies are decidedly with the strong-minded and self-asserting type of woman, the sort that is meant by Margit (*The Feast at Solhaug*): "Aye, those women . . . they are not weak as we are, they do not fear to pass from thought to deed;"²⁷ or by Hjordis (*The Vikings*): "The strong women that did not drag out their lives tamely like thee and me."²⁸ In spite of his sympathies, however, Ibsen allows the altruistic women to carry off the victory in the struggle between altruism and egoism. From *Love's Comedy* to *Emperor and Galilean*, woman does not go through that struggle, but fights to draw the soul of man toward virtue, sacrificing herself together with him for society. In both groups woman plays but a subordinate part, and only in his social plays does Ibsen assume his permanent stand, that of considering woman as an individual and claiming individual freedom for her.

After Svanhild in *Love's Comedy*, the chain of strong female characters is for a time broken. In the *Pretenders* none of the women exist for themselves, but live for those whose aim they help to accomplish. In the *Pretenders* as well as in *Brand*, the woman's problem as a loving wife consists of unconditional

²⁶ Brandes, Georg, *Eminent Authors of the 19th Century*, p. 452.

²⁷ Act. I, p. 231.

²⁸ Act. II, p. 157.

loyalty and unlimited self-sacrifice, no matter what the demands of the husband may be. Agnes in *Brand* goes so far in that respect as to become a martyr in the end. Solveig in *Peer Gynt*, too, is an ideal figure of Ibsen's womanhood, whose greatness and strength of heart consist in her belief and trust and in her readiness to sacrifice herself. But Solveig is a little more than a victim of Peer Gynt's demands. She serves to indicate Ibsen's belief that woman is fundamentally society's support. In this case it is the pure woman, the basis of social morality, that proves to be society's redemption.

With the *League of Youth* Ibsen introduces the woman who begins a long and persistent fight for recognition. Selma is only one of the links connecting Nora with Margit. She, too, craves to be more than a mere toy for her husband: she wants to share the fortunes and misfortunes of the house. True marriage should be distinguished from mere choosing of a mate, in that the husband looks upon the wife as his peer and partner, entitled to share his anxieties and troubles, as well as his successes. Then is the woman an end in herself, or is she a means toward realizing the ideal of collectivity?

Ibsen's sympathies are evidently not with the general belief that woman should be naught but wife and mother. In *Lona Hessel*, for example, he shows the self-supporting, self-protecting, active woman, who knows how to take care of herself and her interests. She becomes the only real pillar of society by living her own life, unbound by conventionalities and unrestrained by tradition. The woman who sang in American vaudeville and wrote eccentric books to support herself and her half-brother, dependent on her, is the one of all the pillars of society to hold up "the banner of the ideal," the banner of truth and freedom—not political freedom only, but freedom from the shackles imposed by false notions of respectability and fear of public opinion, from chains forged by wrong aims of life such as the love of worldly distinction. In the spirit of such truth and freedom she—and through her Ibsen—sees the pillars of society which originate in the relations of men and women, especially as represented in marriage and in family life. Dina Dorf, for example, in the *New*

World begins life not as a thing which John Tonnesen had simply taken unto himself, but as her husband's equal, co-worker, and comrade—thus representing the younger generation which initiates their emancipation.

In the *Doll's House* Ibsen champions the right of woman, defends her claim to a life of her own aside from that of wife and mother. Is she to be regarded as an individual, or should her liberty be limited by the interest of the community? This and the similar situation in *Ghosts*, "Just because she is a woman, she will, when once started go to the utmost extreme,"²⁹ shows how far Ibsen's respect for women exceeds his respect for men.

In his later works³⁰ Ibsen, though with continued faith in the powers and glory of woman, modifies and restricts her sphere of action. With *Hedda Gabler* he had reached the conclusion that it was not the woman of masculine intellect and ability who propped the beam of society, but the ideal woman, the wife and mother with noble instincts, who reigns supreme over humanity by power of her virtues. In his last two dramas, women have missed their vocation as women. His last two plays, *John Gabriel Borkman* and *When We Dead Awaken* are more sceptic of the high ideals of women. But in *When We Dead Awaken* Ibsen returns to his original contention that woman is to be regarded as a personality and not as a piece of property. He continues to give his modified view by allowing Irene to say: "I should have borne children into the world—many children—real children—not such children as are hidden away in grave vaults. That was my vocation,"³¹ meaning that there Irene would have realized herself, would have lived her individuality.

These conclusions the philosopher finally reached, publicly subscribing to them when on May 26, 1898, at the festival of the Norwegian Women's Rights League in Christiania, he said: "I must disclaim the honor of having consciously worked for the women's rights movement. I am not even quite clear as to just

²⁹ *Letters of Henrik Ibsen*, p. 351.

³⁰ *John Gabriel Borkman*, *When We Dead Awaken*, *The Master Builder* and *Little Eyolf*.

³¹ *When We Dead Awaken*, Act II, p. 419.

what this women's rights movement really is. To me it seemed a problem of humanity in general." Again: "The task always before my mind has been to advance our country and give the people a higher standard. To obtain these two factors are of importance: it is for the mothers by strenuous and sustained labor to awaken a conscious feeling of culture and discipline. This must be created in men, before it will be possible to lift the people to a higher plane. It is the women who are to solve the social problem. As mothers they are to do it. And only as such can they do it. Here lies a great task for woman."³²

³² *Speeches and New Letters of Henrik Ibsen.*

SCIENTIFIC RESEARCH AND STATE GOVERNMENT

L. D. WHITE

University of Chicago

The operation of the newly devised systems of centralized control in state government has naturally raised many questions of the relative duties and responsibilities of department and bureau officials on the one hand and of the supervising and controlling authorities on the other.¹ The process of change from an established method of conducting public business to another, based on different principles and requiring new obligations on the part of officers expending money is bound to be a period of readjustment accompanied by a certain amount of friction. This will be the more certain as the new system differs more widely from the old and restricts more completely the freedom of action formerly reserved to heads of the various state services.

The establishment of the state board of public affairs in Wisconsin in 1911, the enactment of the Civil Code in Illinois in 1917, the enactment of the Ohio Civil Code in 1921, and the legislation of Massachusetts culminating in the creation of the board of administration and finance, all made wide departures from the system of administration hitherto in operation. The essential characteristic introduced in each case was the imposition of an agency of review, of supervision, and in many respects of control upon officers and commissions who had hitherto conducted the work of their respective offices for the most part subject only to the necessity of securing approval of their expenditures by the auditor or controller.

Recent years have furnished the occasion for the testing of the

¹ This article is a summary of a monograph prepared by the writer for the National Research Council entitled "An Evaluation of Systems of Central Financial Control of Scientific Research in State Governments," to be published in the Bulletin Series of the National Research Council.

new regime under varying conditions. As a result of experience to date widely diverse opinions are held as to the wisdom and expediency of present methods. On the one hand it is asserted that the necessity for economy and for the elimination of waste requires that expenditures of public money be scrutinized with the greatest care and by some authority independent of the expending official; that the necessity for balancing income and expenditure requires centralized control of the whole financial process; that the desirability of comparing the expediency of various proposed expenditures, each with the other, in order to insure the wisest possible use of the limited funds available requires a single agency for the authoritative review of estimates, the preparation of a budget, and the supervision of all phases of state finance.

On the other hand it is asserted that the accounting forms imposed are in some cases too detailed and too complicated for research agencies, which are usually small and frequently deal with a type of expenditure somewhat different from that of a typical government bureau; that the "red tape" involved is vexatious and expensive; that the specialized purchasing which is required for their work is not properly handled by central purchasing agents; that their work is delayed by the necessity of securing approval of other authorities; that those authorities possess neither the specialized knowledge nor the sympathetic understanding requisite to a proper decision on matters of expenditure for research purposes; and that the ultimate responsibility for the work of the department is being transferred to the department of finance.

It must be borne in mind always that the prime concern of the American commonwealth is not scientific research but either routine administration of its business, or the application of the results of science to the solution of its problems. The administrative system consequently must be organized in view of the primary task to which it addresses itself. State administration also still works in the shadow of the spoils system to a degree varying from state to state, but absent in few of them. The protection of the administration from favoritism, from spoils, and from

diversion of public funds necessarily is one of the considerations on which the general administrative structure must be reared. Hence many formal requirements as to reporting and accounting, and many incidents of supervision which in specific cases appear vexatious and irritating, are properly justified in view of the situation as a whole. There are, of course, important advantages in a unified accounting system. Only by this means can proper comparisons be made between one service and another, or between present and earlier costs of the same service; and for purposes of informing the legislature and the public a single accounting system is essential.

On the other hand, the state is interested in securing the maximum possible results in any activity which it undertakes; and the far-reaching results of scientific investigation are of the greatest importance, if not to the current administration of its business, at least to the ultimate welfare of its citizens. If the state desires to support scientific research, either in the state university or in its administrative bureaus, it should so far as possible provide the best working conditions. It is by no means settled doctrine that a system of control which is desirable for the supervision of routine administration is equally necessary or desirable for the conduct of bureaus engaged in research. Indeed, there are obvious points of difference in the two cases. A bureau or institution engaged in scientific activity is guided by certain professional standards which may properly be relied upon to replace in part the administrative supervision which seems necessary to prevent waste and extravagance in other bureaus. Individual competence is more likely to be secured in a scientific agency, although the prevalent low salaries cause a regrettably high rate of turnover among well-trained men. The methods and objects of scientific investigation are such as to unfit an administrative official from exercising a type of control which is proper in other cases. Furthermore, owing to the professional character of the work and the inability of the ordinary political appointee to perform it, there is less likelihood of political interference. These points of difference, therefore, make it at least an arguable point whether state bureaus and institutions engaged

in research may not properly claim special treatment within the structure of central financial control.

On the other hand, scientists themselves, with the objective point of view which is characteristic of the profession, should be the first to recognize that the wasteful and inefficient methods of state government which have prevailed almost universally until recent years have little claim for consideration and no claim for their perpetuation. A more closely articulated, more highly organized system of administration, with a greater degree of supervision over administrative methods and policies by bureaus specially designed for the purpose, is not only inevitable but desirable. So far as scientists can do so without a sacrifice of scientific achievement, they should be the first to welcome and support methods of government which give assurance of the elimination of waste. If so minded they can do much toward shaping the forms of administrative control which are proposed; if, however, they interpose a *non possumus*, they not only will fail to block administrative reform, they will also be caught the more closely in its meshes.

In the history of the administrative agencies in Illinois a point was reached as early as 1905 at which the statutory authority of the governor in many instances to review expenditures had become a physical impossibility owing to the large number of independent agencies and the heavy draft on the governor's time from various sources. To enable him to perform by deputy a part of the work of approving vouchers the legislature established in that year an official known as the institution audit clerk.² From 1905 until the adoption of the Civil Code the general assembly made an appropriation to the governor for this employee, the importance of whose work was reflected in the salary provided, (\$3,000) which in 1905 equalled that of the highest administrative positions. The enactment of the Civil Code in 1917 provided for the enlargement of the work of the institution audit clerk who became henceforth a member of the newly organized department of finance, with the title administrative auditor. The Civil Code likewise established a new proce-

² *Session Laws* 1905, p. 62.

dure for making up the biennial budgets, and vested in the finance department power to inquire into the reasonableness of expenditures, and to enforce its views by refusal to approve vouchers presented by the spending departments.

Before examining specifically the legal authority vested in the director of finance, it is important to view the office in the large. The purpose in the minds of those who created the office was to provide machinery through which the governor as the chief executive could exercise an immediate and direct control over the administrative policy, program, and work of substantially the whole government. This purpose in turn was the by-product of the belief that only by such a concentration of power could an adequate degree of unity and coördination in the administrative services be achieved; and the ultimate goal of efficiency was conceived in part as a function of unity and coördination of each division with the others. This purpose was sought not only through the establishment of far-reaching financial control but equally by linking up over a hundred scattered authorities into eight great departments and the department of finance. Whether this theory was sound and well-conceived, or whether on the other hand it was pushed beyond the limits which are properly to be fixed in the interest of the very efficiency which was sought is not now in question. For the moment the necessary thing is to acquire a clear-cut picture of the office itself.

The specific powers vested in the department of finance fall naturally into three groups: one intended to enable the department to acquire the necessary information on which it could make intelligent decisions; one intended to strengthen the budget-making process; and one intended to vest in the finance department a continuing power of independent review and control of the financial aspects of the process of administration.

The third group of powers is of greatest interest both on account of their intrinsic importance, and their novelty in American fiscal practice. These powers are intended to vest a right of review of administrative decisions involving the expenditure of money in the hands of the finance department. The specific clauses in question vest power: (1) to keep summary and

controlling accounts; (2) to examine and approve or disapprove vouchers, bills, and claims of the several departments; (3) in settling the accounts, to inquire into and make an inspection of articles and materials furnished or work and labor performed, for the purpose of ascertaining that the prices, quality, and amount of such articles or labor are fair, just and reasonable, and to disallow any excess. In addition it may be noted that each department must prepare and submit to the finance department, before its appropriation becomes available for expenditure, an estimate of the amount required for each activity to be carried on. The approval of the finance department is not specifically required for the proposed allocation of funds, but its authority to disapprove vouchers gives it a means of ensuring that its wishes in the distribution be given consideration.³

It does not require deep study to grasp the far-reaching authority vested in the department of finance by these statutory provisions. The powers of the department go far beyond an audit to raise the question of fairness, justice and reasonableness of the financial side of administration; and it is obviously difficult to separate questions of this sort from questions of departmental policy and internal departmental operation. A fair reading of these clauses would seem to indicate that the intent was to establish a continuous review of the whole administrative process in the interest of efficiency. The director of finance, therefore, becomes something more than a finance officer, he occupies in the law of Illinois a position analogous to that held in the British system by the Treasury.⁴

It must always be remembered that the director of finance is an appointee of the governor and like other directors may be removed by the governor at will. The broad decisions therefore are those of the chief executive; the control of the spending departments is control by the governor; the practical limits drawn either against the spending departments or the finance department are the limits set by the governor; the enforcement and execution of these limits is the duty of the financial department.

³ *Session Laws 1917*, p. 2.

⁴ See Willoughby, Willoughby, and Lindsay, *Financial Administration of Great Britain*, ch. 8.

Summarizing these legal provisions from the point of view of the bureau engaged in research,⁵ we find that it is subject to the following elements of central financial control.

1. The forms of accounts, records, and reports are fixed by the department of finance.

2. The bureau estimates for appropriation are subject to alteration or reduction before approval by the director of finance.

3. The appropriations to the bureau are available only after it has prepared and submitted to the director of finance a plan of expenditure.

4. All vouchers showing expenditure are submitted to the director of finance for review and approval, and are subject to disapproval (1) on ground of illegality or inaccuracy, (2) on question of their fairness, justice, and reasonableness.

5. All purchases, except emergency purchases, are made on requisition by the department of public works and buildings.

6. All printing is supplied for the scientific bureaus by the department of public works and buildings.

7. The legality and accuracy of all expenditures is determined by the auditor and by the director of finance.

8. Travel without the state requires the approval of the governor.

The general pattern of the system of control appears in the foregoing paragraphs. It is obvious that the freedom and independence of the units of state administration must be to a certain extent impaired. The degree of curtailment depends on the special arrangements in each state and on the character of the men who operate the system. It is perfectly clear that a mere reading of the statute does not suffice to obtain an accurate picture of the real situation, but it is equally clear in broad generalization that a scientific agency formerly vested with power to purchase its own supplies, to contract for its own printing, to send its investigators on such journeys as seemed to it desirable, that approved its own vouchers, prepared its own budget, and appeared directly before the legislature, by whom it was granted

⁵ But not the University of Illinois, which is substantially free from these elements of control.

a lump-sum appropriation, cannot enjoy the freedom implied in these statements under a system of central financial control.

The important question, however, and the one to which an answer is sought in these pages, is, has this loss of freedom been a detriment to the prosecution of scientific research in state government; and, if so, to what extent and how can the loss resulting to the state therefrom be avoided? From one point of view it may seem that to admit the loss of freedom gives at once the answer to the question. Consultation with many scientists engaged in state work, however, does not seem to confirm this conclusion, for on the whole the testimony appears to support the view that, however great may be the potential danger involved, there has been in most states very little ground for complaint up to the present.

A convenient method of approaching the potential and actual disadvantages of central financial control will be to examine in turn charges which from time to time have been made. It has thus been asserted that a highly-organized system of government requires an excessive amount of red tape, the number of forms and reports to be made unduly increases, and the energy of the managing officers is drained off in the mere operation of the machine rather than in the prosecution of scientific work. There can be no doubt that the amount of office work increases directly in proportion to the amount of central control, and that the cost of office work is somewhat increased. The real question here is, however, do the ultimate results justify the additional work. The writer holds the belief that they do, from the point of view of the state, in making intelligible the financial results of its operation and thus enabling an intelligent decision on future policy, and equally from the point of view of the scientific division, in charting its financial history from one fiscal period to another and from month to month within each fiscal period.

There is very general complaint about central control of printing and binding. The quality of printing and binding is thought to be unsatisfactory and there is said to be unnecessary delay in handling printing orders. The writer has reached the conclusion that there is cause for complaint in the matter of

delay involved, but the amount of delay has not appeared serious in any case. Where, however, administrative officials determine whether or not a specific scientific contribution shall be published, within an available appropriation, the writer believes that there is proper ground for complaint on the part of scientists. The exercise of this power goes to the heart of scientific activity, and involves a question which should be reserved to the scientist for determination.

There is less complaint about central purchasing than might have been anticipated. This is due in part to the fact that some scientific agencies have been allowed to purchase from university stores and in part to a general willingness to allow scientific divisions practically to purchase for themselves scientific apparatus and in some cases scientific supplies. The writer found no evidence of any restriction of scientific work on account of an unfriendly purchasing policy.

The contingent fund of the scientific division has tended to disappear with the establishment of a central financial agency, and it might be supposed that the discretion of the scientific division would thereby be diminished. The head of the division, it is true, no longer can determine whether an emergency exists in the work for which he is responsible, but must accept the decision of another official. It must be remembered, however, that a fair construction of the use of contingency funds would make them seldom available for the prosecution of research, since they are designed primarily to care for unforeseen emergencies in the administration of state policies, as for example, an epidemic, or an outbreak of some plant disease. For such purposes the central financial agency is, of course, prepared to make the necessary additional grants.

Coincident with the change in policy in the matter of contingent funds is a tendency to itemize more completely the appropriations of scientific divisions. The writer has formed the opinion that the process of itemization in some states, notably Ohio, has gone too far with regard to the scientific divisions. The budget is properly required to be itemized, in order that the legislature may know for what purposes it is appropriating. A highly-

itemized appropriation, however, destroys the flexibility of the financial policy of a department and unnecessarily and unwisely reduces the discretion of the chief of the scientific division. An audit will always prevent illegal expenditures and any tendency to use money in ways not approved by the legislature can be cured, if necessary, by itemization in later appropriation acts. The writer recommends that the appropriation be not itemized to a degree greater than that of the geological, water, and natural history surveys of Illinois for 1923-25.

The most important charge against the newer systems of financial control remains to be considered. It is said that their legal provisions and their actual operation, as well, remove the determination of matters of departmental policy from the department or division concerned to the department of finance, and that this transfer of power not only destroys the responsibility and initiative of the several departments, but vests power of decision in the hands of persons not fitted by training or experience to exercise it wisely. These decisions may turn on recommendations for appropriation to the legislature, or on approval of quarterly plans for expenditure, or on approval of vouchers and claims for expense incurred or projected. In the case of Illinois and Ohio, and to a considerable degree in Massachusetts, there is no doubt that the law contemplates that on a question of the validity or expediency of an expenditure the decision of the department of finance, if supported by the governor, is conclusive. In Wisconsin no such power exists. Waiving for the moment the use which in fact is made of this power, the writer wishes to reaffirm the conclusion which he expressed in a former study of the Illinois system.⁶

"Insofar as the Department of Finance undertakes to determine the question as to whether a given piece of research should be undertaken, or whether it is being properly conducted, or to grant or refuse money for equipment thought necessary by the research workers within the limits of the appropriation, or to approve or disapprove the number and character of scientific assistants within the terms of the appropriation, the useful

⁶ See *Bulletin of the National Research Council*, No. 29, Volume V, pt. 4.

features of central control are clearly overbalanced by an excessive interference."

The relationship here involved is an extremely delicate adjustment which can successfully be made only by a loyal coöperation on each side and a broad understanding of the responsibilities involved in each case. The adjustment is made immeasurably more difficult by the rapid changes which in many cases characterize the offices of finance directors and budget superintendents and governors. Permanence and stability are almost the *sine qua non* of success in a matter of this sort. The writer feels assured that, taking the state government as a whole, substantial sums of money are saved and greater service rendered by the operation of the system of control defined in the preceding pages. He feels equally assured that the conduct of scientific investigation will reap its full fruit only if unhampered by an unwise interference on the part of the central control agency.

This seems to result in an insoluble pair of opposites. Practice, however, sometimes deals quickly with logical difficulties, and in this case a working arrangement seems to be developing which may easily become a tradition, by virtue of which the research and scientific divisions retain all necessary freedom in their work. The writer has been constantly impressed with the contrast between the legal statement and the actual operation of the system of financial control here under discussion. In law formidable and drastic, concentrating fiscal power in a way which might seem to promise the annihilation of all independence and initiative, these systems reveal themselves in practice largely as the restatement of methods which for the most part have long been accepted. It has been said that every institution is the shadow of a man. This is emphatically true with the institution of control which has been described in the preceding pages. The writer has come in touch with many scientists in several states, and has learned of many disagreements and many difficulties, but he has found few cases in which the prosecution of research was made more difficult in any fundamental way by the operation of central financial control. Some such cases, however, exist. Indeed he has frequently asked himself the question

whether the promise of efficient administration contained in the law of central control was not likely to vanish in its practical operation.

One other allegation may be referred to briefly. It is sometimes said that a highly unified administrative system subject to the power of financial control herein described lends itself to political manipulation with an ease and on a scale greater than in a system of independent agencies not subject to central financial control. There is an undoubted element of truth in this charge and in any general evaluation of the effect of the newer system it would merit considerable attention. While some cases have been brought to the attention of the writer in which the fear of political influence was evident, it must be said that very few cases of political interference in the conduct of scientific investigation have been revealed. The scientific divisions have so far escaped, in part because they are relatively small and have little to offer in the way of patronage, in part because they are in many cases affiliated with or contiguous to the state university, in part because their functions are distinctly nonpolitical, and in part because politicians feel that the people will not tolerate interference in such cases. Partisanship has been rife in Illinois since 1921, but the three surveys, the Institute for Juvenile Research, and the diagnostic laboratories have been untouched. It appears, therefore, that while scientific investigation cannot expect to make forward strides under adverse political conditions, it can be reasonably sure of freedom from political interference.

It may conduce to clarity if a statement of the limits of central financial control be hazarded. In the judgment of the writer, no detriment to scientific research in the various divisions of state government is to be anticipated from:

1. The audit of expenditures to ensure their conformity with the appropriation act.
2. The establishment of a uniform accounting system for all departments.
3. The preparation of detailed estimates of expenditure for ensuing fiscal periods.
4. The review and revision of such estimates by a finance

official, after full hearing, and with opportunity for a further hearing before the house and senate appropriations committee.

5. The purchase of supplies and materials by a central purchasing officer, with the understanding that the specifications for scientific equipment and supplies are to be written by the scientific division.

6. The handling of contracts for printing and binding, with the understanding that the judgment of the scientific division as to what should be printed (up to the limit of the appropriation) is conclusive.

On the other hand it seems to the writer that the success of scientific research in state governments would be jeopardized:

1. Whenever the decision of a scientific agency to prosecute a scientific investigation, authorized by an appropriation, is overruled by the judgment of a finance office.

2. Whenever the judgment of a scientific agency that a proposed purchase for a scientific purpose, within an appropriation, is overruled by the judgment of a purchasing officer.

3. Whenever the judgment of a scientific agency that the publication of certain results, within an appropriation is expedient, is overruled by the judgment of an editorial board.

It should be further stated that the lodgment of such authority as is recognized in the first of the two preceding statements imposes a solemn obligation upon financial officials to use their authority with vision and understanding. A short-sighted and ill-spirited use of even moderate authority may create an intolerable situation; and if experience demonstrates that the state cannot secure men of vision and sympathy as well as men of firmness and sound judgment to sit in these key positions, a complete reconsideration of the system of control will be necessary. Experience to the present time, however, so far as the writer can judge, indicates that scientific research is not likely to suffer from positive ill-will on the one hand nor from petty attacks on the other.

CONSTITUTIONAL LAW IN 1923-1924

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1923

ROBERT E. CUSHMAN

Cornell University

A. QUESTIONS OF NATIONAL POWER

I. REGULATION OF COMMERCE

No one who has followed the steady expansion of federal authority over the business of interstate carriers sanctioned by the Supreme Court in the Shreveport Case,¹ *Illinois Central R. Co. v. Public Utilities Commission*,² and *Railroad Commission v. Chicago, B. & Q. R. Co.*,³ will view with surprise the unanimous decision of that tribunal in *Dayton-Goose Creek R. Co. v. United States*,⁴ sustaining the validity of the "recapture" clause of the Transportation Act of 1920.⁵ This clause provided in substance that since it is impossible to establish uniform rates upon competitive traffic which will adequately sustain all the carriers needed to do the business, without giving some of them a net income in excess of a fair return, any carrier receiving such excess shall place one-half of it in a reserve fund to be maintained by the carrier for certain specified purposes, and shall pay the other half into a general railroad revolving fund to be maintained in the interstate commerce commission. This fund is to be used by the commission to make loans to carriers to meet expenditures for capital account, and so forth. In short, as Chief Justice Taft aptly summarized it in his opinion, "by the recapture clauses, Congress is enabled to maintain uniform rates for all shippers and yet keep the net

¹ *Houston, E. & W. T. R. Co. v. United States*, 234 U. S. 342.

² 245 U. S. 493.

³ 257 U. S. 563. See comment in this *Review*, vol. 16, p. 618.

⁴ 263 U. S. 456. Nineteen railroads besides the plaintiff in the present case filed briefs attacking the constitutionality of the statute.

⁵ Act of Feb. 28, 1920, Chap. 91, Sec. 422, 41 Stat. at L. 456, 489-491.

returns of railways, whether strong or weak, to the varying percentages which are fair respectively for them."⁶

The court pointed out that, from the standpoint of the shipper, rates which are needed to enable all the roads, necessary to handle the traffic of a rate territory, to make a fair return on their property are reasonable. It also declared that the carrier, having engaged in a business devoted to the public interest, has no constitutional right to more than a fair net operating income upon the value of its property devoted to transportation. The carrier never acquires title to any earnings in excess of such fair return, but merely receives them as a trustee, so that the recapture of this excess by the government involves neither an appropriation of property without compensation nor a deprivation of it without due process of law. The objection that such excess should go to the shipper rather than to the government is met by pointing out that the shipper has paid no more than a reasonable rate, and that he is the ultimate beneficiary of any system which helps to strengthen the weaker roads and makes possible a lower uniform rate.

Finally, in answer to the objection that the recapture clause reduced the net income from intrastate rates and thereby encroached on the reserved power of the states in violation of the Tenth Amendment, Chief Justice Taft said: "In solving the problem of maintaining the efficiency of an interstate commerce railway system which serves both the states and nation, Congress is dealing with a unit in which state and interstate operations are often inextricably commingled. When the adequate maintenance of interstate commerce involves and makes necessary on this account the incidental and partial control of intrastate commerce, the power of Congress to exercise such control has been clearly established." The necessities of administration render necessary the incidental control by Congress of that part of the excess earnings which may come from intrastate rates.

The sensitiveness of the court to any form of rate discrimination was evidenced in *United States v. Illinois Central R. Co.*⁷ The designation by the Illinois Central Railroad Company of a blanket territory, from all points within which the same rates were charged to certain northern points, was held to involve undue discrimination against a shipper located on an independent connecting line whose total joint rate over the two roads was higher than the rate charged by the

⁶ At page 480.

⁷ 263 U. S. 515.

Illinois Central for greater distances on its own lines. The court met the contention that a nondiscriminatory joint rate would be confiscatory by pointing out that the competing rates might be increased in order to prevent discrimination.⁸

II. EIGHTEENTH AMENDMENT

It has been clear from the outset that the scope of congressional power under the Eighteenth Amendment is not likely to be pared down by overstrict judicial construction.⁹ This is evidenced anew in the case of *Everard's Breweries v. Day*¹⁰ which holds valid the Supplemental Prohibition Act of 1921¹¹ providing that only spirituous and vinous liquor may be prescribed for medicinal purposes, thereby forbidding the use for such purposes of malt liquor. The court, speaking through Justice Sanford, declared that such a measure was reasonable as a means of exercising the power granted by the Eighteenth Amendment. It repudiated the idea that it involved an unconstitutional encroachment on the reserved powers of the states, since the act fell squarely within the sphere of delegated congressional authority.¹² While the medicinal value of beer or other malt liquors is a debatable question, there is sufficient ground for believing the prohibition of the prescription of such liquor to be necessary to the adequate suppression of traffic in intoxicating liquor to warrant the discrimination against malt liquor and in favor of spirituous and vinous liquors. Such discrimination "is not plainly unreasonable or without a substantial justification."

⁸ *United States v. American Railway Express Co.*, 265 U. S. 425, held that the express company is not deprived of its property without due process of law by giving the shipper of express the right to give routing instructions where there is competitive express service, since it has no property right in the transportation of traffic delivered by it to destination. See also *United States v. New River Co.*, 265 U. S. 533, holding valid a rule of the interstate commerce commission limiting the total orders for cars of the owner of a mine served by two carriers to the gross daily rating of the needs of the mine.

⁹ See the earlier cases commented on in this *Review*, vol. 16, p. 629, and vol. 18, p. 60.

¹⁰ 265 U. S. 545.

¹¹ Act of Nov. 23, 1921, Chap. 134, 42 Stat. at L. 222.

¹² "And if the act is within the power confided to Congress, the Tenth Amendment, by its very terms, has no application, since it only reserves to the states 'powers not delegated to the United States by the Constitution.'"

III. THE FEDERAL BILL OF RIGHTS

1. *Unreasonable Searches and Seizures*

In August, 1921, the Senate directed the federal trade commission to investigate the tobacco industry with reference to domestic and export prices.¹³ The commission, taking an extremely liberal view of the authority thus conferred, and apparently anxious to accomplish results with a minimum expenditure of time and effort, ordered the American Tobacco Company, and others, to submit for inspection all of their accounts, books, records, documents, memoranda, contracts, papers and correspondence. In *Federal Trade Commission v. American Tobacco Company*¹⁴ the court held that such a blanket demand exceeded any powers which the commission had received from Congress and constituted an unreasonable search and seizure within the meaning of the Fourth Amendment. With his customary directness and felicity of speech, Justice Holmes declared: "The mere facts of carrying on a commerce not confined within state lines, and of being organized as a corporation, do not make men's affairs public, as those of a railroad now may be. Anyone who respects the spirit as well as the letter of the Fourth Amendment would be loath to believe that Congress intended to authorize one of its subordinate agencies to sweep all our traditions into the fire and to direct fishing expeditions into private papers on the possibility that they may disclose evidence of crime. It is contrary to the first principles of justice to allow a search through all the respondent's records, relevant or irrelevant, in the hope that something will turn up." He then went on to point out that the commission's authority extended only to the demanding of documentary evidence, not documents in general, and that some grounds must be shown for supposing that the documents called for contained evidence relevant to the inquiry on hand.¹⁵

¹³ August 9, 1921. The resolution read: "The Federal Trade Commission be and is hereby directed to investigate the tobacco situation in the United States as to the domestic and export trade, with particular reference to the market price to producers for tobacco and the market price for manufactured tobacco and the price of leaf tobacco exported, and report to the Senate as soon as possible the results of such investigation." Quoted in 283 Fed. 999, 1003.

¹⁴ 264 U. S. 298.

¹⁵ In *Hester v. U. S.*, 265 U. S. 57, a man was chased across a field by a prohibition agent and dropped and broke a jug. The officers analysed the contents of the jug and used the evidence against him. It is held that this does not compel him to give evidence against himself, nor does it invade the constitutional guaranty against unreasonable searches and seizures.

2. *Due Process of Law: The District of Columbia Emergency Rent Law*

It will be recalled that as a result of the extraordinary conditions caused by the war Congress passed a statute in 1919¹⁶ preventing the charging of unreasonable rents in the District of Columbia. As an emergency measure the act was limited in duration to two years. The validity of this law was sustained by a five-to-four decision in the case of *Block v. Hirsh*,¹⁷ with Justice Holmes speaking for the majority and Justice McKenna writing an almost acrimonious dissenting opinion for the minority. By two successive acts Congress extended the operation of the law to May 22, 1924.¹⁸ The plaintiffs in the present action, *Chastleton Corporation v. Sinclair*,¹⁹ allege that the emergency which originally justified the law no longer exists, and that they are deprived of their property without due process of law. The court, speaking again through Justice Holmes, holds this contention presumptively true and remands the case back to the lower court for appropriate action. It is pointed out that while the legislative declaration that a justifying emergency exists as a present fact is entitled to very great respect "so far as this declaration looks to the future, it can be no more than prophecy, and is liable to be controlled by events." Also, "a law depending upon the existence of an emergency or other certain state of facts to uphold it may cease to operate if the emergency ceases or the facts change, even though valid when passed." Turning to the question whether the emergency actually does exist the court finds that it is a matter of public knowledge that living conditions in Washington have considerably improved. "If about all that remains of war conditions is the increased cost of living, that is not, in itself, a justification of the act," and, "if the question were only whether the statute is in force today, upon the facts that we judicially know, we should be compelled to say that the law has ceased to operate." However, the existing conditions ought to be "accurately ascertained and carefully weighed" and this can better be done by the supreme court of the District of Columbia, which is instructed to preserve the evidence for review by the United States Supreme Court if necessary.

It is interesting to note that the court does not attempt to decide

¹⁶ Act of Oct. 22, 1919, Chap. 80, 41 Stat. at L. 297.

¹⁷ 256 U. S. 135. See comments in this *Review*, vol. 16, p. 33.

¹⁸ Act of Aug. 24, 1921, Chap. 91, 42 Stat. at L. 200; Act of May 22, 1922, Chap. 197, 42 Stat. at L. 543.

¹⁹ 264 U. S. 543.

for itself on the basis of its off-hand judicial knowledge the existence or nonexistence of the facts upon which the validity of the legislative act must depend. In spite of a *prima facie* indication that the justifying facts do not exist and that the statute is void, the court sends the case back to the lower court for further investigation.²⁰

3. *Due Process of Law and the Deportation of Aliens*

By an act of 1920²¹ Congress authorized the deportation of certain classes of aliens, including those who had been convicted under various penal acts passed during the war, provided the secretary of labor, after a hearing, found them to be "undesirable residents." In *Mahler v. Eby*²² the validity of this statute was attacked. It was urged that it was *ex post facto* since it permitted deportation for crimes previously committed; that it delegated legislative power to an executive officer; and that the words "undesirable resident" established a criterion so vague and uncertain as to leave the liberty of an alien to the whim and caprice of the executive officer, thereby working a denial of due process of law. These various contentions were overruled by the court, speaking through Chief Justice Taft. However the alien may feel about it, the law regards deportation not as a punishment but as an exercise of a sovereign power necessary to the safety of the country. The act, therefore, is not *ex post facto*, both upon the theory of *Calder v. Bull*²³ and of *Hawker v. New York*.²⁴ The court finds no delegation of legislative power to an executive officer, and, after alluding to previous legislation dealing with immigrants, concludes that "our history has created a common understanding of the words "undesirable residents" which gives them the quality of a recognized standard, so that the discretion exercised by the secretary of labor does not become so vague and capricious as to fail of due process."²⁵ After thus sustaining

²⁰ Justice Brandeis wrote a concurring opinion in which he held that the procedural requirements of the statute had not been complied with so that the plaintiffs were not bound by the order of the rent commission issued against them. This being the case the question of the constitutionality of the act was not raised and should not have been considered by the court.

²¹ Act of May 10, 1920, Chap. 174, 41 Stat. at L. 593.

²² 264 U. S. 32.

²³ 3 Dall. 386.

²⁴ 170 U. S. 189.

²⁵ The court found, however, that the warrant for deportation was defective in not reciting that the secretary of labor had found the petitioner an "undesirable resident." He was ordered to be retained in custody pending the correction of this defect.

the validity of the deportation act the court found defective the warrant under which the petitioner in this case was held.

In *United States ex rel Tisi v. Tod*²⁶ it was held that an alien who was ordered deported on the ground that he knowingly had seditious literature in his possession was not deprived of liberty without due process of law because the secretary of labor may have made a wrong decision as to his guilt, or may have drawn incorrect inferences from the evidence. Knowledge that the literature was seditious was held not to be a jurisdictional fact which must be affirmatively established in order to validate the order of deportation.²⁷

4. Government of Territories

In 1919 the territorial legislature of Alaska levied an annual poll tax of five dollars on all males, the proceeds to be used for school purposes, and an annual license fee of five dollars upon each nonresident fisherman in the territory. In *Sven Haavik v. Alaska Packers' Association*²⁸ these taxes were held valid in the case of a resident of California who was employed as a fisherman in Alaska during four months of the year. There is no deprivation of property without due process of law in compelling him to contribute to the support of the territorial government. The license tax does not impair the privileges and immunities of citizens in the several states (Art. IV. Sec. 2, U. S. Constitution) since Alaska is not a state, nor is the discrimination against nonresidents arbitrary and unreasonable.

5. Judicial Power

The case of *North Dakota v. Minnesota*²⁹ arose out of the overflow of certain North Dakota lands alleged to have been caused by the action of Minnesota in straightening and thereby increasing the speed and volume of certain rivers. The plaintiff state sought a permanent injunction against the continuance of the harmful conditions and also claimed money damages for the injury done to state property and to the lands of the inhabitants of the flooded area. The claim for damages to private property owners was dismissed for want of juris-

²⁶ 264 U. S. 131.

²⁷ *United States ex rel. Bilokumsky v. Tod*, 263 U. S. 149, deals in some detail with the regularity of the hearing allowed an alien in deportation proceedings.

²⁸ 263 U. S. 510.

²⁹ 263 U. S. 365.

diction as being within the prohibition of the Eleventh Amendment. The court noted the fact that the complaining owners had contributed to a fund for the purpose of prosecuting the suit and concludes, "It is inconceivable that North Dakota is prosecuting this damage feature of its suit without intending to pay over what it thus recovers to those entitled." The case falls clearly within the rule of *New Hampshire v. Louisiana*.³⁰ After a careful examination of a huge mass of expert testimony the court further concludes that the floods complained of were due to natural causes rather than to any action upon the part of Minnesota and accordingly refuses the injunction asked.³¹

In *Craig v. Hecht*,³² Craig, the comptroller of New York City, had been sentenced to jail for contempt of court for publishing a letter assailing certain actions of a federal district judge in a receivership proceeding then pending. He sued out a writ of habeas corpus before a federal circuit judge who discharged him on the ground that the district judge had exceeded his authority in issuing the writ of contempt. An appeal was taken to the circuit court of appeals which reversed the circuit judge for want of jurisdiction to issue the habeas corpus. This decision is affirmed by the Supreme Court in the present case, the court taking the position that Craig could not use the habeas corpus proceeding as a substitute for a writ of error and that since he had elected not to resort to the ordinary process of appeal on the merits of the district judge's ruling he had voluntarily placed himself beyond the power of the Supreme Court to afford him relief. In a dissenting opinion concurred in by Justice Brandeis, Justice Holmes considers the merits of the original contempt proceeding and holds that Craig should have been discharged.

In two cases the relation of the states to the maritime jurisdiction of the federal courts was involved. After the decision in *Knickerbocker Ice Co. v. Stewart*,³³ holding that Congress could not validly allow state workmen's compensation laws to apply to injuries within the admiralty and maritime jurisdiction of the federal courts, Congress sought again to extend the state workmen's compensation acts to maritime injuries except in the cases of "masters and members of the crew."³⁴ In *Washington v. Dawson and Co.*³⁵ the court held this new

³⁰ 108 U. S. 76.

³¹ The court does not deal separately with the plea for \$5000 damages for injuries resulting to state property.

³² 263 U. S. 255.

³³ 253 U. S. 149. See comment in this *Review*, vol. 15, p. 55.

³⁴ Act of June 10, 1922, Chap. 216, 42 Stat. at L. 634.

³⁵ 264 U. S. 219.

provision to fall within the prohibition of the earlier case so that one engaged in stevedoring, whose employees work only on board ships in the navigable waters of Puget Sound, could not be compelled to contribute to a state accident compensation fund. In *Red Cross Line v. Atlantic Fruit Co.*,³⁶ however, it was held that the New York Arbitration Act,³⁷ allowing specific performance of a promise made by contracting parties to arbitrate disputes, was applicable to a maritime contract since it did not alter the substantive maritime law but merely affected the remedies available.³⁸

A somewhat different question regarding maritime jurisdiction was raised in *Panama R. R. Co. v. Johnson*.³⁹ Here it was held that the provision of the Seaman's Act of 1915⁴⁰ giving a seaman injured in the course of his employment a right to trial by jury did not violate the constitutional provision extending federal judicial power to all cases of admiralty and maritime jurisdiction. It was urged that the act took from the admiralty side of the court, in which jury trial does not prevail, jurisdiction which properly belonged there. The court held, however, that the admiralty side of the court had not lost jurisdiction by the act although the common law side had gained. The seaman has an option as to which side he will elect to hear his case. Such a provision is within the power of Congress to modify the rules of maritime law. The fact that the seaman had this right of election while the master did not was held not an unreasonable discrimination under the Fifth Amendment.

6. Statutory Construction

In *First National Bank in St. Louis v. Missouri*⁴¹ the Supreme Court held that under the existing statutes national banks could not lawfully maintain branch banks. A state statute forbidding such branch banks does not involve an undue interference with a federal agency or instrumentality nor obstruct the efficient performance of its

³⁶ 264 U. S. 109.

³⁷ April 19, 1920, Chap. 275, amended Mar. 1, 1921, Chap. 14.

³⁸ Justice McReynolds, who wrote the majority opinions in *Knickerbocker Ice Co. v. Stewart*, and *Washington v. Dawson & Co.*, dissented in this case, holding the New York statute inapplicable to a maritime contract.

³⁹ 264 U. S. 375.

⁴⁰ Act of Mar. 4, 1915, Chap. 153, 38 Stat. at L. 1185.

⁴¹ 263 U. S. 640.

functions. The case settles a matter long under dispute and confirms the opinion of Mr. Wickersham as Attorney-General, given in 1911.⁴²

B. QUESTIONS OF STATE POWER

I. THE FOURTEENTH AMENDMENT

1. *The Alien Land Laws*

While it has been established for many years that a state, in the absence of any treaty provision to the contrary, may constitutionally deny to aliens the right to own land within its borders,⁴³ the question whether a state could validly deny the right of land ownership to certain races or to certain classes of aliens while granting it to others was not raised until the enactment by the Pacific Coast states of laws discriminating in this way against the Chinese and Japanese.⁴⁴ These laws have now been held by the Supreme Court to be valid.

The case of *Terrace v. Thompson*⁴⁵ involved the Anti-alien Land Law of the State of Washington, a law which forbade all aliens except those who had declared their intention to become citizens of the United States to own or acquire any interest in land within the state under penalty of forfeiture of the land to the state and the criminal punishment of those conveying the title or interest in violation of the law. Terrace sought an injunction to restrain the attorney-general from enforcing the law against him so as to prevent the leasing of his land for agricultural purposes to a Japanese farmer.⁴⁶ The major portion of the opinion of Justice Butler deals with the propriety of the classification which lies at the heart of the statute, since an alien is as much entitled to the guaranties of due process and equal protection of the law under the Fourteenth Amendment as is a citizen. Since the denial of the

⁴² May 11, 1911, 29 Ops. Atty. Gen. 81. Justice Van Devanter dissented vigorously on the ground that national banks, being created by the United States for public purposes essentially national in scope, are wholly immune from any state laws purporting to control their powers or functions.

⁴³ *Hauenstein v. Lynham*, 100 U. S. 483, *Blythe v. Hinckley*, 180 U. S. 333.

⁴⁴ These statutes were so worded as not to conflict with any rights guaranteed to aliens by treaty.

⁴⁵ 263 U. S. 197.

⁴⁶ The court discusses the propriety of this method of testing the constitutionality of the act and concludes that it is permissible since the penalty for violation of the act is so severe as to make it virtually impossible to raise the constitutional question by violating the statute and subsequently pleading its invalidity as a defense.

right of land ownership to all aliens alike is not a denial of due process of law, the only question remaining is whether the state may properly deny the privilege to aliens ineligible to citizenship under the naturalization laws and to those eligible aliens who refrain from becoming naturalized. In singling out ineligible aliens for discriminatory treatment the state is merely adopting for its own purposes a classification already made by Congress. While it is true that Congress could withhold the right of naturalization for any reason or for no reason at all, "it is not to be supposed that its acts defining eligibility are arbitrary or unsupported by reasonable considerations of public policy. The State may properly assume that the considerations upon which Congress made such classification are substantial and reasonable." Furthermore, if ineligible aliens may own land it is not impossible that "every foot of land within the state might pass to the ownership or possession of non-citizens." The court succinctly observes that "reasons supporting discrimination against aliens who may, but who will not, naturalize, are obvious." It distinguishes the present case from that of *Traux v. Raich*,⁴⁷ which held that the Fourteenth Amendment forbade discrimination against aliens with reference to employment in the common occupations of the community, by declaring that there is a difference between earning a living in an ordinary occupation and owning or controlling agricultural land, and that "the quality and allegiance of those who own, occupy and use the farm lands within its borders are matters of highest importance, and affect the safety and power of the state itself."

An examination of the terms of our treaty of 1911 with Japan⁴⁸ convinces the court that the right to own or control agricultural land is not within the rights guaranteed thereby to Japanese subjects and that the treaty contains evidence of an intention to exclude that right. The state statute is not therefore in violation of the treaty.⁴⁹

The doctrine of *Terrace v. Thompson* was applied in three similar cases arising under the Anti-alien Land Laws of California. In *Porterfield v. Webb*⁵⁰ it was held that the failure of the California statute to forbid land ownership or control by eligible aliens, who have not taken out their first papers, does not arbitrarily discriminate against

⁴⁷ 239 U. S. 33.

⁴⁸ 37 Stat. at L. 1504, Feb. 21, 1911.

⁴⁹ Justices McReynolds and Brandeis took the view that no justiciable question is involved in the case and that it should have been dismissed on that ground.

⁵⁰ 263 U. S. 225.

ineligible aliens. In *Webb v. O'Brien*⁵¹ the defendant had entered into a cropping contract with a Japanese farmer whereby the latter was to receive half the crop but acquired no title or interest in the land. The court held such a contract to be more than a mere contract of employment. If executed it would give the alien a right to use and have a share in the benefit of the land for agricultural purposes and is virtually tantamount to a lease. It falls accordingly within the prohibitions of the statute. *Frick v. Webb*⁵² holds that no violation of the Fourteenth Amendment or of treaty rights is involved in the provision of the California act forbidding aliens ineligible to citizenship to acquire stock in a corporation holding land for agricultural purposes, since such a provision is a reasonable method of giving effect to the main purpose of the statute.

In this connection may be noted the case of *Asakura v. Seattle*,⁵³ invalidating, as in violation of Japanese treaty rights, an ordinance making it unlawful for any person to engage in business as a pawnbroker, unless licensed, and providing that no license should be granted to any alien. A pawnbroker is held to be engaged in "trade" within the meaning of the treaty, which must be liberally construed.

2. *The Police Power*

In the group of cases involving the application of the due process clause to the police power of the state two or three stand out as throwing additional light upon the mental processes of the Supreme Court in dealing with the constitutionality of social and economic legislation.

In *Burns Baking Co. v. Bryan*⁵⁴ the court invalidated a Nebraska statute establishing maximum weights for loaves of bread and, after allowing a certain tolerance, providing penalties for selling or making for sale bread in other weights. Speaking through Justice Butler the court turns to the question "whether the challenged provision has reasonable relation to the protection of purchasers of bread against fraud by short weights and really tends to accomplish the purpose for which it was enacted." After considering expert testimony on both sides it reaches the conclusions that compliance with the law would impose on bakers and sellers of bread restrictions which are unduly burdensome and constitute genuine hardships, and that the establish-

⁵¹ 263 U. S. 313.

⁵² 263 U. S. 326.

⁵³ 265 U. S. 332.

⁵⁴ 264 U. S. 504.

ment of the maximum and minimum weights is not necessary to protect consumers against fraud and is not reasonably calculated to accomplish that purpose.

The willingness of the court to form its own opinion with respect to the existence or nonexistence of the facts upon which the validity of the act must in the last analysis depend, and to adhere to that opinion in the face of the conflicting testimony of experts and the contrary opinion of the legislature is reminiscent of the majority opinion in *Lochner v. New York*⁵⁵ and the recent District of Columbia Minimum Wage Case.⁵⁶ It drew from Justice Brandeis, with Justice Holmes concurring, a vigorous dissent in which, after setting forth at length the evidence pointing to the existence of a most respectable body of opinion supporting the reasonable character of the statute under consideration, he gives the following pungent statement of his view of the court's proper function in dealing with this type of case: "Put at its highest, our function is to determine, in the light of all facts which may enrich our knowledge and enlarge our understanding, whether the measure, enacted in the exercise of an unquestioned police power, and of a character inherently unobjectionable, transcends the bounds of reason. That is, whether the provision, as applied, is so clearly arbitrary or capricious that legislators, acting reasonably, could not have believed it necessary or appropriate for the public welfare. To decide, as a fact, that the prohibition of excess weights 'is not necessary for the protection of the purchasers against imposition and fraud by short weights'; that it 'is not calculated to effectuate that purpose'; and that it 'subjects bakers and sellers of bread,' to heavy burdens,—is, in my opinion, an exercise of the powers of a superlegislature,—not the performance of the constitutional function of judicial review."

But certainly no one, not even the most progressive reformer, could quarrel with the philosophy of Justice Sutherland's opinion in *Radice v. New York*⁵⁷ upholding the constitutionality of the New York statute prohibiting women's night work. "Where the constitutional validity of a statute," observes the learned justice, "depends upon the existence of facts, courts must be cautious about reaching a conclusion respecting them contrary to that reached by the legislature; and if the question of what the facts establish be a fairly debatable one, it is not permissible for the judge to set up his opinion in respect of it against the

⁵⁵ 198 U. S. 45.

⁵⁶ *Adkins v. Children's Hospital*, 261 U. S. 525.

⁵⁷ 264 U. S. 292.

opinion of the lawmaker." And yet when one remembers that it was Justice Sutherland himself who wrote the opinion invalidating the District of Columbia Minimum Wage Law,⁵⁸ one must conclude that it is vastly easier for a judge to adhere to a liberal view respecting the judicial function in police power cases when he personally agrees with the findings of the legislature than when he does not.

The other cases relating to validity under the Fourteenth Amendment of state police legislation must, for want of space, be merely mentioned. *Sheehan Co. v. Shuler*⁵⁹ sustained the validity of a recent amendment to the New York Workmen's Compensation Act providing that, when an employee dies because of industrial injuries leaving no dependents to receive compensation, the employer shall pay a specified sum into a fund to be used for vocational rehabilitation of employees and the payment of compensation for permanent total disability occurring after permanent partial disability. *Security Savings Bank v. California*⁶⁰ held constitutional a California statute providing that bank deposits unclaimed for twenty years shall be turned over to the state. *Dillingham v. McLaughlin*⁶¹ upheld the validity of a New York statute confining to corporations the business of collecting money in installments from small investors for cooperative, mutual loan, savings, or investment purposes. In *Hixson v. Oakes*⁶² the court sustained the validity of an ordinance of the City of Los Angeles forbidding the filling of any prescription calling for more than eight ounces of alcoholic liquor. This was held to be neither in conflict with the Fourteenth Amendment nor with the Volstead Act. Following its decision in *Wolff Packing Co. v. Court of Industrial Relations*,⁶³ the Supreme Court, in the case of *Dorchy v. Kansas*,⁶⁴ held unconstitutional the system of compulsory arbitration established by the Kansas Court of Industrial Relations Act as applied to coal mines. The act in question contained a stipulation that the invalidity of one part of the act should not be held to vitiate the whole. The court refused to regard the question of the separability of the invalid portion as concluded by this state-

⁵⁸ See above, note 56.

⁵⁹ 265 U. S. 371.

⁶⁰ 263 U. S. 282.

⁶¹ 264 U. S. 370.

⁶² 265 U. S. 254.

⁶³ 262 U. S. 522. See comment in this *Review*, vol. 18, p. 67.

⁶⁴ 264 U. S. 286.

ment,⁶⁵ but, instead of ruling on the point itself, sent the case back to the state court for decision on this point.⁶⁶

3. *The Regulation of Public Utilities*

Of the cases decided at this term involving the validity of state regulation of public utility rates or service, none seems to establish any definitely new principle. *Railroad Commission of Texas v. Eastern Texas R. Co.*⁶⁷ held that a railroad operating under a term franchise could not, without denial of due process of law, be prevented from abandoning and dismantling its road prior to the expiration of the franchise in case the continued operation of the road resulted in a money loss. The case involved only the question of withdrawal from local business, as the Interstate Commerce Commission had already given permission to withdraw from interstate commerce transportation. In *Packard v. Banton*⁶⁸ it is decided that no denial of due process or equal protection of the law is involved in a New York statute applicable to cities of the first class requiring those engaged in the business of operating motor vehicles for hire, with the exception of omnibuses and street cars, to take out insurance for the protection of passengers against injury or death. "The fact that, because of circumstances peculiar to him, the appellant may be unable to comply with the requirements as to security without assuming a burden greater than that generally borne, or excessive in itself, does not militate against the constitutionality of the statute." In *Pacific Gas and Electric Co. v. San Francisco*⁶⁹ the corporation had introduced new inventions which had rendered obsolete a good deal of its equipment and greatly reduced the cost of producing gas. The court held that the fixing of a rate based on the decreased cost of production without allowing for the

⁶⁵ See *Hill v. Wallace* 259 U. S. 44, as applying the same rule to an act of Congress.

⁶⁶ *Cudahy Packing Co. v. Parramore*, 263 U. S. 418, involved the constitutionality of the application of the Utah Workmen's Compensation Act to industrial accidents occurring under somewhat unusual circumstances. *Jones v. Union Guano Co.*, 264 U. S. 171 upheld the validity of a statutory provision that no action for damages for failure of crops could be brought against a seller of fertilizer until the state chemist had first analysed the fertilizer.

⁶⁷ 264 U. S. 79.

⁶⁸ 264 U. S. 140.

⁶⁹ 265 U. S. 403.

obsolescence of the discarded equipment took property without due process of law.⁷⁰

4. *Due Process of Law in Taxation*

In *Pierce Oil Corporation v. Hopkins*⁷¹ an Arkansas statute is held valid which requires those who sell gasoline to be used on cars on state highways to collect for the state a tax of one cent per gallon. No denial of due process is involved thereby, for a state which under its constitution can regulate the sale of gasoline can impose this incidental burden upon those who sell it. The other cases relating to taxation do not call for comment.⁷²

II. STATE LEGISLATION AFFECTING INTERSTATE COMMERCE

Three cases raised questions of interference by state law with interstate commerce. In the case of *Missouri ex rel. Barrett v. Kansas Natural Gas Co.*⁷³ the public utilities commission of the State of Kansas undertook to fix the rates for transporting natural gas through pipe lines within the state although the pipe lines crossed the state boundaries and carried gas coming from outside as well as from inside the state. This the court held to be a direct burden on interstate commerce and accordingly void. "The transportation, sale and delivery," said Justice Sutherland, "constitute an unbroken chain, fundamentally interstate from beginning to end, and of such continuity as to amount to an established course of business. The paramount interest is not local, but national—admitting of and requiring uniformity of regulation. Such uniformity, even though it be the uniformity of nonaction, may be highly necessary to preserve equality of opportunity and treatment among the various communities and states concerned." In *Texas Transport and Terminal Co. v. New Orleans*⁷⁴ the court, in a much closer decision, invalidated an ordinance of the city of New Orleans imposing a license tax of \$400 upon the business of the plain-

⁷⁰ The validity of certain taxes imposed on public utility corporations is involved in *Puget Sound Power & Light Co. v. King County*, 264 U. S. 22, *Southeastern Express Co., v. Robertson*, 264 U. S. 535, *New York, Phila. & N. Teleg. Co. v. Dolan*, 265 U. S. 96, *Baker v. Druesdow*, 263 U. S. 137.

⁷¹ 264 U. S. 137.

⁷² *Raley & Brothers v. Richardson*, 264 U. S. 157, *Butters v. Oakland*, 263 U. S. 162, *McGregor v. Hogan*, 263 U. S. 234.

⁷³ 265 U. S. 298.

⁷⁴ 264 U. S. 150.

tiff in error as steamship agent for four steamship lines engaged exclusively in interstate and foreign commerce. The court held that the plaintiff's business was so closely connected with the interstate and foreign business of its principals as to be immune from state or municipal taxation. In a dissenting opinion by Justice Brandeis, concurred in by Justice Holmes, it is objected that "the validity of a state tax under the commerce clause does not depend upon its character or classification" but only upon the question whether it imposes a direct burden upon, discriminates against, or obstructs interstate commerce, and that while the tax in question is on an instrumentality of interstate commerce it does not burden or interfere with that commerce itself. *Lacoste v. Department of Conservation*⁷⁵ involved the validity of a Louisiana statute establishing, along with various police regulations, a severance tax upon the skins of all wild fur-bearing animals and alligators. This was held not to be a burden on interstate commerce although it could be shown that all the skins taxed were shipped outside the state. It was also held not a denial of due process or equal protection of the law.

III. FEDERAL SUPREMACY AND STATE TAXATION

Under authority of an act of Congress of 1918⁷⁶ the director of aircraft production organized the United States Spruce Production Corporation as an agency for carrying on the war. Its stock was subscribed by the United States, and all its property was conveyed to it by, or bought with funds from, the United States. All its dividends as well as all its assets upon liquidation accrued to the United States. This corporation is held in *Clallam County v. United States*⁷⁷ to be immune from state taxation under the doctrine of *McCulloch v. Maryland*,⁷⁸ inasmuch as it had no independent or private functions but only those which it performed as a government agency in carrying on the war.

IV. EMINENT DOMAIN—INTERSTATE RELATIONS

In 1837 the State of Georgia began the building of a railroad from Atlanta to Chattanooga. In 1852 it purchased eleven acres on the outskirts of Chattanooga for a railroad yard. While the road has been

⁷⁵ 263 U. S. 545.

⁷⁶ July 9, 1918, Chap. 143, 40 Stat. at L. 845.

⁷⁷ 263 U. S. 341.

⁷⁸ 4 Wheat. 316.

operated since 1870 by a corporation as lessee, the title to all this property still remains in the State of Georgia. The City of Chattanooga now undertakes to acquire by eminent domain for street purposes a portion of the railroad yard. In *State of Georgia v. City of Chattanooga*⁷⁹ the protest of Georgia that the property is already devoted to a public use and that the city has no authority to condemn land which the State of Tennessee has permitted a sister state to acquire is overruled. It is held that the land was acquired by the State of Georgia for private purposes and that no sovereign immunity or privilege attaches to the holding of it. When a state acquires land in another state it holds it subject to the laws of the latter just as a private individual does. The sovereignty of Georgia, in other words, does not extend into Tennessee. The fact that Georgia did not consent to be sued is immaterial since the lower court in Tennessee has jurisdiction in eminent domain proceedings and that jurisdiction does not depend on the consent or suability of the owner of the land.

V. THE OBLIGATION OF CONTRACTS

In *Superior Water, Light and Power Co. v. City of Superior*⁸⁰ it is held that the obligation of a franchise contract is impaired by the substitution by the state of an indeterminate permit to supply a municipality with water for an exclusive grant for a definite term with an obligation on the part of the municipality to purchase the supply system at the termination of such term at a specified price. *Tidal Oil Co. v. Flanagan*⁸¹ and *Fleming v. Fleming*⁸² emphasize the familiar rule that the obligation of a contract can be impaired, within the meaning of the contract clause, only by a state law and not by a judicial decision.

⁷⁹ 264 U. S. 472.

⁸⁰ 263 U. S. 125.

⁸¹ 263 U. S. 444.

⁸² 264 U. S. 29.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Advisory Referendum in Massachusetts on the Child Labor Amendment. When the Sixty-eighth Congress proposed an amendment to the Constitution of the United States giving Congress "power to limit, regulate and prohibit the labor of persons under eighteen years of age," it was generally believed that a prolonged fight against a serious economic and social evil had entered on its last stage and that the enactment would ere long be regularly incorporated in the Constitution as the Twentieth Amendment. But at the present moment there are grave doubts as to what will be the action of the states at the legislative sessions which opened in January, and predictions are freely made that the proposal is likely to meet decisive defeat.

On November 4 the voters of Massachusetts passed judgment on the proposition, "Is it desirable that the General Court ratify the following amendment to the Constitution of the United States:". . . The result shows that 697,563 voted no, 241,461 voted yes, a total 939,024, the heaviest vote cast on any of the seven propositions appearing on the ballot. The vote for governor was 1,161,510, showing that an unusually large percentage of the voters were interested. Not a single legislative district voted favorably.

When the proposed amendment was submitted to the General Court shortly before its adjournment early in June, the Boston Transcript, on June 5 declared that ratification was such a strong likelihood that "the process might as well begin with Massachusetts if the formalities of the submissions of the amendment by Congress shall have been fulfilled before the adjournment of our legislature." It was, continued the editor, in line with the humanitarian policy of the state, desirable for the protection of Massachusetts against unfair competition and "the only practicable means of accomplishing the suppression of a great evil." Unquestionably, prompt ratification would have attracted little attention and have been considered as the only action to be expected.

The session, however, was rapidly drawing to a close. A few days before adjournment attention was called to the fact that in 1920 the

General Court had stated in the preamble to a certain enactment, "It is hereby declared to be the policy of the Commonwealth that the General Court when called upon to act upon a proposed amendment to the Federal Constitution, should defer action until the opinion of the voters of the Commonwealth has been taken, relative to the wisdom and expediency of ratifying the same." Just as the session closed it was decided that the question should be submitted to the people on the November ballot.

In view of the frequent charges that the Eighteenth Amendment was ratified without proper consideration of public opinion on the subject and also that there is some demand for the amendment of the ratification process itself by requiring a popular vote on proposed amendments, the Massachusetts procedure is a matter of general interest. That there was a thorough public debate on the subject cannot be denied. A tremendous amount of publicity was given to the general subject of child labor and federal regulation. Naturally there is no agreement as to the merits of the arguments and while opponents of the amendment are acclaiming the result as a victory of common sense over the sentimentality of an organized minority, proponents are alleging that it is merely another triumph of elaborate propaganda conducted by the National Manufacturers Association, the Sentinels of the Republic, and similar organizations. That the action of Massachusetts will have far reaching consequences and greatly increase the difficulty of securing ratification in the requisite three-fourths of the states, is however a matter on which all parties are unanimous.

At first sight it might seem that Massachusetts would have given generous support to the measure. It has been frequently alleged that its industries are suffering from the competition of those states where regulatory measures are less stringent. Early in 1924 the General Court had memorialized Congress in support of the pending amendment. Its own child labor laws are enlightened; the state has been a leader in all forms of humanitarian legislation. The names of Senators Lodge and Walsh, and of President Coolidge, as well as those of several of its delegation in the House of Representatives, are identified with support of the proposed amendment. Why was its rejection so sweeping and decisive? The explanation must be sought in the arguments which were so extensively presented to the public in the two months prior to November 4.

An examination of the voluminous newspaper literature shows that

opposition concentrated on a few points; that the power given Congress was extreme, the proposed age limit of eighteen too high, that the word "labor" rather than "employment" would permit the exercise of numerous implied powers, that it would involve the creation of an elaborate and expensive bureaucratic machine, and that Congress could not be trusted to exercise its additional powers in a moderate and intelligent manner. The old arguments that the amendment is "Socialistic," "Communitistic," or "Bolshevistic," appeared in full strength and its disappointed supporters allege that the voters were "panic stricken" and voted "no" as a result.

Typical of the opposition argument is a manifesto issued by "The Citizens Committee to Protect our Homes and Children" on which appear the names of President Lowell, Cardinal O'Connell, Moorfield Storey, and numerous other prominent citizens. The proposed amendment is denounced as giving Congress "undisputed power for all time to control and prohibit the labor of every person up to eighteen years of age, in the home, on the farm, and in the school. . . . It would enable Congress, through Federal agents, thus to interfere in the discipline of every household, and take from parents the right and duty to educate and guide their children." A prominent official of organized labor declared that "the children of the country will be at the mercy of the politician, and the parents of the children will have no control over their children should the Congress decide to enact laws that would place them in absolute control of a bureau." Perhaps the heaviest blow at the proposal came on October 5 when, in practically every church in the Archdiocese of Boston, the Roman Catholic clergy preached against its adoption. The argument was that it would permit Congress to regulate "not merely the working life but by implication to attach any preliminary condition, hours, occupations and wages, preliminary education," and to send "swarms of paid Governmental workers through the country, seeing that parents are complying with the bureau's ideas of bringing up their children, supervising their education as well as their hours of work and interfering in the sacred rights of parents over their children."

The latter quotation appeared in a publication generally considered to represent the views of the Church hierarchy. Its effect was apparently to silence several vigorous proponents of ratification. Mr. Curley, the democratic candidate for the governorship, who had been urging adoption, immediately reversed his position and became an equally vigorous opponent.

Friends of the amendment were placed on the defensive. They were obliged to argue that the amendment was merely an enabling act, that it did not in itself involve any regulation of labor of children up to eighteen years of age, and that Congress could be trusted to use its power in a sensible and reasonable manner. The latter was a difficult and thankless task. "Do not be fooled," said a prominent Protestant clergyman in opposition, "by the plea that Congress can be trusted to exercise common sense in the application of this law. When have we had any such exhibition of Congressional common sense?" The argument that the amendment would equalize competitive conditions among the several states seems to have been thrust into the background. Senator La Follette in an address in Boston urged a favorable vote both "on the broadest grounds of humanity" and as a matter of self-interest, charging that the manufacturers of the state were already in control of the Southern textile mills and were relying on the exploitation of children in states which had refused to adopt the enlightened laws of Massachusetts, and would gradually withdraw to such states the greater part of the business.

The decisive character of the vote suggests several interesting topics to the student of American democracy. It has certainly been one of the most effective "educational campaigns" ever conducted. Disgruntled partisans are citing it as a proof that it is possible to fool a considerable percentage of the populace if you have funds for propaganda. Others proclaim that it is the response of an intelligent electorate to the adequate presentation of a great public responsibility. In any case a few facts are outstanding, opposition to centralization of further control in the national government, profound distrust of the legislative branch of that government, and dislike for officious bureaucrats whose activities have been so much in evidence for the last eight or ten years. The argument that the amendment was the product of lobbying and intimidation by one of the numerous "organized minorities" met a favorable response. Ever since the Civil War the tide has been running strongly toward federal centralization. Is it about to turn? In view of the recent charges that the Supreme Court has frustrated public will, especially the desire to put child labor under federal regulation, the subsequent fate of this amendment in the states which have not yet taken action is a matter of special interest. It may well be that the decisions in *Hammer vs. Dagenhart* and *Bailey vs. Drexel Furniture Company* were not after all so different from lay opinion on the same subject. It is also evident that our prevailing

political philosophy is still one of distrust. American democracy has not yet reached the stage where it is willing to give its representatives power and responsibility and compel them to conform to public will in an intelligent and effective manner.

W. A. ROBINSON.

Dartmouth College.

Centralized Purchasing Agencies in State and Local Governments.

Centralized government purchasing, having been experimented with by the city of Chicago and the state of Texas, in 1898 and 1899 respectively, the institution gradually found acceptance elsewhere, so that by 1925 it was operating in twenty-seven states, about as many counties, and approximately seventy cities. The only state to abandon it has been North Carolina. Eight other states maintain semi-centralized or quasi-centralized purchasing agencies of limited operation or still in the experimental stage,—thus leaving only twelve states without some experience. The Dominion of Canada likewise maintains a purchasing agency as do six of the provinces and several municipalities.

The twenty-seven American commonwealths maintaining bona fide centralized purchasing agencies may be presented with the dates in which the agencies were created, and with the dates in which, in some instances, they were subsequently modified; Texas, 1899, 1913, 1915, 1919; Oklahoma, 1910; Vermont, 1912, 1917, 1921; Minnesota, 1913, 1917; Nebraska, 1913, 1919, 1921; New Hampshire, 1913, 1915, 1917, 1919; Alabama, 1915, 1919; California, 1915, 1921; New Jersey, 1916; Illinois, 1917; North Carolina, 1917, abolished in 1921; New York, 1918, 1922; Arizona, 1919; Idaho, 1919; Indiana, 1919; Michigan, 1919; North Dakota, 1919; Wyoming, 1919; Maryland, 1920; Oregon, 1920, 1921; Tennessee, 1920; Virginia, 1920, 1924; Montana, 1921, 1923; Utah, 1921; Washington, 1921; Massachusetts, 1922; Delaware, 1923.

The eight states maintaining the institution in a limited form prior to 1925 are: Rhode Island, Pennsylvania, West Virginia, Kansas, Iowa, Wisconsin, South Dakota and Nevada. The leading counties operating it are found in such widely distributed states as New York and New Jersey, Indiana and Michigan, and California and Oregon. The states in which cities operate it form just as comprehensive a sweep: Massachusetts, New York, Ohio, Michigan, Illinois, Iowa, and California. The larger cities maintaining it represented virtually every geographical section of the country: Boston, New York, Jersey

City, Newark, Philadelphia and Baltimore on the Atlantic Coast; New Orleans on the Gulf Coast; Dallas, Fort Worth, Houston, and San Antonio in the Southwest; Cincinnati, Cleveland, St. Louis, Kansas City, Indianapolis and Chicago in the Middle West; Des Moines, Detroit, Milwaukee, St. Paul and Minneapolis in the west North Central States; Los Angeles, Portland and Salem on the Pacific coast.

Similar systems have also been adopted by the Canadian provinces of Nova Scotia, New Brunswick (partially), Manitoba, Saskatchewan and British Columbia. The Canadian cities doing likewise include St. John, Fredericton, Moncton and the larger cities of British Columbia; while Toronto and Winnipeg each have partially centralized purchasing.

Active progress in the movement for centralized purchasing began about 1910, in connection with efforts in several states to foster economy and efficiency in government. These efforts included the reorganization and greater centralization of administrative machinery, the adoption of more systematic budget methods, and the inauguration of improved accounting systems. The general discussion of better business management in government had led to the study of centralized purchasing in some large private corporations. A greater impetus to the movement set in after the close of the World War, fifteen states adopting the system within five years. This may have been in part a result of centralized purchasing of supplies for the national guard units in the army.

In principle, state purchasing agencies are fairly uniform, but adjustment to different geographical, economic, and social environments has brought about some unique variations in application, as may be indicated by the variety of titles that have been given to the purchasing agents. Some states have created an entirely new office, some have designated an existing official as the buyer, some have delegated the functions to a group of three or more, still others have provided for a single officer to serve under a department. In Massachusetts, Washington, Utah, Ohio, and Tennessee respectively, he is designated as the purchasing agent, supervisor of purchasing, director of finance and purchase, superintendent of purchases and printing, and general manager of the board for the administration of state institutions. The purchasing department of Nebraska is the board of commissioners of state institutions consisting of three members; in Indiana it is the joint purchasing committee; in Oklahoma, the board of public affairs; in Idaho it is the department of public works; while

in Texas and California it is the chief of division of purchasing, and chief of division of purchases and custody, respectively.

Appointment of a single-headed agency is made by the governor in Utah and in Montana. In New York, Vermont, and in Michigan it is made by the governor with the advice and consent of the senate; in Maryland by the chairman of the central purchasing bureau, who in fact is the governor; in Minnesota by the board of control consisting of three members, who in turn are appointed by the governor; while in Oregon the secretary of the board of control is given purchasing powers. The director of the department of finance appoints the purchaser in Ohio, the director of business control in Washington, the board of directors of state institutions in Arizona and New Hampshire.

The term of the state purchasing agent is two years in Vermont, four years in Tennessee, and five years in New York. In some states the term is indefinite. For instance, in Michigan, Utah, and Montana the purchaser is appointed to serve during the pleasure of the governor; and in Ohio and Oregon he serves during the pleasure of the director of finance, and of the board of control respectively. The Oklahoma board of public affairs consisting of three members may be removed by the governor, but their normal terms are coterminous with his; while in Nebraska, the commissioners of state institutions are appointed by the governor for six-year terms.

Qualifications for the purchaser are either not specifically stated in statutes at all, or they are stated very vaguely so as to include local citizenship or good moral character or both. The statutes offer but little indication that the office may require professional training, although Washington requires that the purchaser shall have had experience in commercial pursuits and in accounting. Maryland stipulates the negative requirement that he "shall not be interested in or in any manner connected with, directly or indirectly, any contract or bid for furnishing materials" or supplies to any of the state institutions. Delaware requires equal representation of the two major parties in the board of state supplies which includes both the governor and the state treasurer.

The annual salary of the purchasing agents has ranged from the original \$2000 in Texas in 1913 to \$10,000 in New York in 1922 and thereafter. In Vermont it is \$3000; in Arizona \$4800; in Tennessee and Utah, \$5000; and in Montana it is \$5000, plus necessary traveling expenses. The statutes stipulate that it shall be not more than \$3000 in New Hampshire and in Oregon, nor more than \$4000 in Michigan.

In Oklahoma each of the three members of the board of public affairs receives \$3000 a year; while the three members of the Nebraska board of commissioners of state institutions receive \$4000. In some states, this salary is fixed by statute; in others by the central board under whom the agent serves.

Bonds have been required of the agents in some states. The amounts have varied from \$5000 in Utah and Oregon to \$50,000 in Tennessee, Oklahoma and Texas.

The jurisdiction of the state purchaser extends to the charitable, penal and educational institutions in Michigan. In Montana and California, it extends to virtually all arms of the state: departments, boards, commissions, educational institutions. In Utah it includes the state colleges, the national guard, and the historical society. The judiciary is exempt from the purchaser's domain in Texas, the military is excluded in Ohio, and the legislature in some other commonwealths.

This variety of jurisdiction naturally implies a corresponding variety in the amount of official power that is vested in the several purchasing agents. Their powers in some commonwealths scarcely rise above that of a coöperative information clerk. Otherwheres, it approaches that of a veritable martial commissariat. Prior to the Virginia Act of 1924, the powers of the purchasing agent of that dominion probably represented the most limited and nebulous of any such administrator. The Act of 1920 stipulated that the Virginia agent's powers should be "advisory and coöperative only." The state officers were "authorized, in their discretion, to seek the aid, assistance and coöperation of the state purchasing agent in the advantageous purchase of supplies of every nature needed for their respective functions, especially to the end that, by collective purchasing, cheaper prices may be obtained."

Some examples of the powers and limitations which govern the purchasing agents may be gleaned from the whole field of substantive legislation on this subject and set up as a composite of regulative maxims which in turn indicate some of the agent's activities. For example, agents shall advertise in standard publications for bids to supply the state services; bids for the sale of supplies must be sealed, accompanied with samples of the wares, and with a certified check equal to five per centum of the value of the proposal—for guarantee; agents must buy from the lowest responsible bidder; perishable commodities shall not be purchased through bids; institutional supplies shall be issued by the purchasing agent upon requisition only; officials violating the state purchasing law may be removed by the governor.

Ordinance power was granted to the superintendent of the New York department of purchase in 1922 which suggests a wide field of subordinate legislation. He was empowered to adopt rules for:

1. Authorizing state departments, boards, commissions, officers and institutions to purchase materials, equipment and supplies, limiting and defining their powers in relation thereto, and prescribing the manner in which such purchases shall be made;
2. Determining the state institutions to which advances may be made by the state treasurer for the purchase of materials, equipment and supplies pursuant to requisitions and estimates approved by the superintendent. Such a rule may be either general or may apply to one or more state institutions;
3. Prescribing the materials, equipment and supplies which shall be directly purchased as contracted by the department of supplies, and the manner in which such materials, equipment and supplies shall be delivered or distributed;
4. Controlling the storage and distribution of materials, equipment and supplies;
5. Prescribing the times for making requisitions and estimates, the periods for which they are to be made, the form thereof, and the manner of authentication.
6. Requiring reports by state institutions of stock of material, equipment and supplies on hand and prescribing the form of such reports;
7. Providing for such other matters as may be necessary to give effect to the foregoing rules and the provisions of this article.

These provisions were in harmony with the recommendations that Governor Nathan L. Miller made to the New York legislature in 1922. He urged that the "statute should be flexible enough to permit the department of purchase and supply to be organized on broad lines and gradually to take over the work without disarrangement of it. There should undoubtedly be three divisions of such a department—an accounting division, a stores control division and a purchasing division." The governor was very emphatic in his assertion that the system should not be hastily developed. Accordingly, the board grant of powers to the purchaser admitted of the gradual evolution of a sound system.

Administrative ordinances of still wider comprehension may eventually evolve from the Massachusetts commission on administration and finance which includes a purchasing bureau, also created in 1922.

The commission is required to make rules subject to the approval of the governor and council. These rules, regulations and orders, like those enacted by the New York superintendent, may be of general or of limited application, and they must provide for:

1. The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;
2. The purchase of supplies and other property without advertisement on the receipt of bids, where the amount involved will not exceed five hundred dollars, when, in the judgment of the state purchasing agent, it is expedient;
3. The purchase of supplies and other property without competition in cases of emergency requiring immediate action;
4. The purchasing of or contracting for certain supplies, equipment and other property of long or short-term contracts, or by purchases or contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more department offices and commissions;
5. Prescribing the times for submitting estimates for various supplies, equipment and other property;
6. Regulations to secure the prompt delivery of commissary and other necessary supplies;
7. Standardization of forms for estimates, orders and contracts;
8. Standardization of specifications for purchasing supplies, equipment and other property;
9. Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;
10. The purchase of supplies and other property locally, upon permission, specific or otherwise, of the state purchasing agent;
11. The use and disposal of the products of state institutions;
12. Disposal of obsolete, excess and unsuitable supplies, salvage and waste material and other property, and the transfer of same to other departments, offices and commissions;
13. Storage of surplus supplies, equipment and other property not needed for immediate use;
14. The testing of commodities or supplies or samples thereof;
15. Hearings on complaints in respect to the quality, grade or brand of commodities or supplies;
16. The waiver of rules in special cases.

Likewise, Montana in 1923 authorized the purchaser to issue, with

the approval of the state board of examiners, "such rules and regulations as may be necessary for the proper and economical conduct of the business of the State Purchasing Agent." The legislation provided, however, that after bids were submitted to the agent, each "bidder shall have the right to be present, either in person or by agent, when the bids are opened and shall have the right to examine and inspect all bids," and the "records shall be open at all times for the inspection of those who may be interested in such contracts" that might be made with the state.

Close scrutiny of expendable property is required of the purchaser in Oregon, and the managers of the institutions must furnish him with monthly estimates of needed supplies. The Montana Act of 1923 is specific upon this point. All "persons in charge of any State property, must, upon request of the State Purchasing Agent, furnish him with a sworn statement of all personal property in his possession or under his charge belonging to the State of Montana, together with an estimate of the value thereof, and must also furnish such other information in connection therewith, as the State Purchasing Agent shall require." Furthermore the state officials must "tabulate in detail the amount of supplies on hand at the beginning of each quarter and the additional supplies needed for the ensuing quarter. The State Purchasing Agent shall make examination of the amount of supplies on hand and shall determine from such examination and from the statements so furnished him," as in this section provided, the additional amount of supplies necessary and shall make an itemized statement thereof, all of which acts of said State Purchasing Agent shall be subject to approval of the Governor." The agent is authorized to follow up these reports by personal visits to the warehouses and supply-depots of any arm of the state government.

Likewise, the New York superintendent of purchases is given access to the offices of the state and may examine their books and require the officers to render any other information pertaining to purchases. In some states the purchasing agent may transfer the surplus commodities from one department to another or they may sell them. Commodities produced by institutions may also be sold when not needed for local consumption. Sometimes laboratories are maintained for the testing of commodities.

Wider activities such as these have rendered it necessary for the state purchaser to maintain considerable clerical or official assistance, and some of the statutes have provided for such personnel. Appar-

ently many of the states eventually will develop the agency into a larger bureau of purchasing.

This rapid rise of the state purchasing agency as an organic component of the state administration has enlisted the aid of several governors. In 1921-1924, a dozen governors' messages brought the subject to the attention of legislatures. Missouri, however, rejected the plan by a referendum vote in 1922. Governor Gifford Pinchot of Pennsylvania considered the idea as a reform measure. Governor Charles A. Templeton of Connecticut voiced his sentiments to the 1923 legislature when he declared that: "The adoption of such a plan is but the application of sound business principles which have long been successfully used by all well-managed industrial corporations. Such centralized purchases would result in incalculable benefits to the state. By standardizing and by quantity purchases of staple articles at competitive prices great savings in expense can be accomplished. Expert service in purchasing would also prevent wastage of supplies and materials and serve as a helpful preventive of unnecessary and unwise buying." He admitted that in the larger states of magnificent distances, certain practical difficulties might arise in the operation of such a plan, but Connecticut is a small, compact state, and with modern means of communication and transportation every institution is within convenient distance of the capitol, and these conditions are peculiarly favorable to the successful operation of centralized purchasing.

Governor Miller stated to the 1922 legislature of New York that the "human factor is undoubtedly a large element in the problem, but in my opinion the centralization of responsibility will focus attention upon the work and bring to light any errors or faults that may be committed, whereas now such error or faults, if they occur, are concealed by the numbers who may commit them and whose work is not under close observation. They would become critics under a centralized plan."

Governor Miller's assertions may have been based partially upon his observations of the county and city purchasing methods within his own state. For the 1921 legislature of New York had provided for local government centralized purchasing. New York cities of the first class containing one million inhabitants were authorized to maintain a municipal purchasing department to "consist of a purchasing agent, who shall be its head, and such assistants and with such salaries as the body which is by charter authorized to designate the number of

employees and fix salaries, may from time to time authorize. The purchasing agent shall be appointed and removable at pleasure by the same official or body who or which by charter is now authorized to appoint the heads of city departments. The purchasing agent shall appoint and remove at pleasure such assistants and employees as may be authorized." Unless the local legislative body shall provide otherwise the purchasing department "shall purchase and be responsible for the proper receipt of all materials and supplies, including those on which bids are obtained after publication of notice pursuant to law.

Similar provision is made for the smaller New York cities in that boards of contract and supply in second-class cities, and boards with similar powers in other cities, and the common council or similar legislative body in cities which have no boards of contract and supply or bodies with similar powers, shall make rules and regulations not inconsistent with general laws or their charter, which shall prescribe the procedure, conditions, methods and practices that shall prevail in regard to all purchases of materials and supplies by the purchasing department or agency, and all departments, boards, bureaus and offices of the city for which supplies are purchased shall obey and comply with such rules and regulations." The right to sell supplies is also accorded the city purchasing agency under qualified circumstances.

County centralized purchasing in New York was also authorized by the 1921 legislature by the provision that the "board of supervisors of any county not wholly within a city and having a population exceeding one hundred thousand and less than two hundred thousand inhabitants according to the last preceding federal census or state enumeration, may establish and maintain as a county charge a purchasing department or agency and appoint a purchasing agent to be the head thereof. The purchasing agent may appoint, and at pleasure remove, such assistants and employees, at such salaries or compensation, as the board of supervisors may authorize. Such purchasing agent may be removed by the vote of two-thirds of all the members elected to the board of supervisors after a hearing based on written charges preferred against such officer and served on him at least ten days prior to such hearing."

The duties of the county purchasing agent are similar in principle to those of the state agents, involving "all purchases, and all contracts for supplies, of every nature, for the county or for any county department, office, official, building or institution, or for which the county may in any event be liable." Supervision of the county pur-

chaser, is assured in the requirement that he "shall, upon the first day of each month, furnish to the board of supervisors and to the county comptroller or other chief fiscal officer or body a detailed statement, showing, up to a certain day of the preceding month, all purchases or contracts made by him, the quantity, price and total charges for each, and all supplies delivered and on hand and to what official, department or institution delivered. The county comptroller or other chief fiscal officer or body shall not audit nor pay any bill for supplies unless it shall fully appear that such supplies were ordered by the purchasing agent, and a bill therefor, duly verified, be presented to the said comptroller or other chief fiscal officer or body by the purchasing agent endorsed with his approval." Furthermore, all of the requisitions "received by the purchasing agent shall be filed in his office and shall be open to the public under reasonable regulations for their safety and preservation." Also, both the purchaser and some of his subordinates must file bonds with the county clerk approved by the county judge, after the manner of the requirements of some state purchasing agents. The analysis of state and local purchasing thus reveals the development of interlocking of administrative machinery within those co-operating governments.¹

MILTON CONOVER.

Yale University.

One House of Congress as Two. It has apparently always been assumed that, for the representation of population on the one hand and the representation of the states as such without regard to popula-

¹ The statutes cited herein may be found in the volumes of session laws for the states and years indicated in the text. A valuable photostat compendium of certain provisions of many statutes enacted prior to December, 1921, is Wm. Webb and C. Eveleen Hathaway's *Digest of Laws on State Purchasing Departments*, New York State Library. A detailed analysis and criticism of provisions contained in most of the acts passed prior to 1920 is included in A. E. Buck's essay on "The Coming of Centralized Purchasing in State Governments," *National Municipal Review*, Supplement Vol. IX, No. 2, pp. 117-135, (February, 1920), New York Bureau of Municipal Research and National Municipal League. Type-written data pertaining to current developments in government purchasing is available at the New York State Library, legislative reference section. Professional opinions on such agencies may be obtained from *The Purchaser*, which is published by the National Association of Purchasing Agents. A general treatment of the theory and practice of the system is A. G. Thomas' *Principles of Government Purchasing* (1919), Institute for Government Research Studies in Administration.

tion on the other, the maintenance of the two houses of Congress is necessary. But the same results might be attained, and more conveniently, by either the house of representatives or the senate alone. The house of representatives alone would suffice if only for the final enactment of legislation there were required a second assent of the house voting as a senate—each state delegation having (to preserve the *status quo*) the same number of votes divided equally among its members. Likewise, a similar additional assent of the senate voting as a house of representatives would eliminate the necessity for the latter—each senator having a number of votes equal to the number of members to which his state would be entitled in a house of representatives (or a mathematically accurate apportionment might be substituted). Under either plan deadlocks could be averted at least as easily as they can at present. Of course neither plan is going to be adopted—very soon. They both seem almost too “easy” to be new, and perhaps they are not.

JAMES D. BARNETT.

University of Oregon.

FOREIGN GOVERNMENTS AND POLITICS

EDITED BY FREDERIC A. OGG

University of Wisconsin

The British Election. After experimenting with coalitions and with a minority Labor government, the voters of Great Britain on October 29, in their third general election in two years, returned the Conservative party to power with a large majority over the combined opposition groups. Thus the traditional system of party government was restored.¹ The desire for stability and the fear of fundamental changes in the political and economic order were probably the chief causes of the overwhelming Conservative victory.²

In December, 1923, Stanley Baldwin, the Conservative premier, in seeking popular ratification for his tariff reform proposals dissolved parliament, although he had a comfortable majority in the House of Commons. The voters, however, rallied once again to the support of the historic free trade policy and while the Conservatives returned more members than any other party they lost their majority. The two wings of the Liberal party were reunited by the tariff issue and Labor greatly increased its power in the House of Commons.³

On January 21 following the election Mr. Baldwin's government was defeated by the Laborites and the Liberals and the king, following constitutional precedent, invited Ramsay MacDonald, leader of the Labor party, to form a ministry. The offer was accepted, in spite of the obvious difficulties inherent in continuous dependence upon the Liberals. For nine months the Labor government generally received the support of the Liberals, but only for policies which wholly satis-

¹ For a vigorous defense of the two-party system, see editorial in *Saturday Review*, Nov. 15, 1924, p. 488.

² *Times, Weekly Edition*, Oct. 16, p. 420; Nov. 6, p. 496. J. A. R. Marriott in *Fortnightly Review*, Dec., 1924 writes: "The issue was as plain as it was vital. The electors clearly perceived—that they were asked to pronounce for or against the principle of private property and individual enterprise; for or against the establishment of a really Socialist Commonwealth." P. 740.

³ W. T. Morgan, *The British Elections of Dec., 1923*, *American Political Science Review*, May, 1924, pp. 331-340.

fied neither the Liberals nor Labor. When, in a speech at the National Liberal Club Mr. Asquith advised his followers to put Labor in office he pointed out that under a Labor government the Liberals would obviously hold the balance of power.⁴ This "forced eating out of Mr. Asquith's hand" proved very unpalatable to Mr. MacDonald. The actual relations between the "allies" were characterized by mutual suspicion. Liberals frequently accused the prime minister of gross ingratitude, while the latter showed in speech and act that he despised and mistrusted the Liberals.⁵

In spite of many difficulties, however, the Labor government carried through a legislative program of considerable importance.⁶ Mr. Snowden's budget calling for a reduction of the burdensome income tax rates met with great public favor. The Housing Act, which provided for an extension of the building subsidy scheme of the previous administration and added a subsidy to rents, was, however, widely criticised. Minor modifications were made in the old-age and unemployment insurance policies. Labor suspended the construction of the Singapore naval base, but despite protests began the building of several new cruisers. Its last important measure was that empowering the British government to appoint a representative for Ulster to act on the boundary commission in case Ulster should persist in refusing to appoint one. This latter measure received cordial Liberal support.

⁴ *Times, Weekly Edition*, Dec. 27, 1923, p. 688. In the debate which resulted in the downfall of the Baldwin government Mr. Asquith made it clear that he did not propose to give a blank cheque to Labor. See *Ibid.* Jan. 24, 1924, p. 84.

⁵ See C. F. G. Masterman, *The Dissolution*, *Contemporary Review*, Nov., 1924, for a Liberal's view of the relations between Labor and Liberals. *The New Statesman*, Oct. 11, p. 4, in an editorial says: "A very large majority of the House of Commons wishes him to remain in office at any rate until next summer, but he has deliberately challenged it on issues which it could not support without utterly humiliating itself. He has had a magnificent chance which he seems wantonly to have thrown away. As Foreign Secretary he has been an immense success; as Prime Minister he has been an utter failure. He has never recognized the inevitable limitations of a minority government. He has never poured oil on the troubled waters, but almost always has said the word that was best calculated to exacerbate party feeling. If he had treated his Liberal allies with even common courtesy he might have remained in power not merely until 1925 but for some years to come, possibly even for a decade."

⁶ Wedgwood Benn, *Nine Months of Labor Government*, *Contemporary Review*, Oct., 1924, pp. 417-424; Harold Spender, *Is Liberalism Dead*, *Fortnightly Review*, Dec., 1924, pp. 731-737; *Times, Weekly Edition*, Oct. 2, p. 364; Oct. 16, p. 415; *Manchester Guardian Weekly*, Oct. 10, p. 308; *Nation and Athenaeum*, Nov. 8, p. 203.

The most important services rendered by the Labor government were, however, in the field of foreign relations.⁷ Mr. MacDonald, who acted as foreign secretary as well as prime minister, succeeded in breaking the seemingly hopeless deadlock between Great Britain and France and in developing a spirit of cordial coöperation between the two governments. It was certainly no mean accomplishment to heal the Franco-British breach and to secure approval for the Dawes plan on both sides of the Rhine. It must, of course, be recognized that Mr. MacDonald did not achieve these results single-handed, that he was greatly aided by the political changes that took place in French politics. There is no doubt, however, that to him belongs a large share of the credit for the improved condition of British relations with other countries.

Shortly after it took office the Labor government officially recognized the Soviet government of Russia; whereupon it proceeded to negotiate a treaty with Russia, which was finally signed early in August.⁸ This treaty was at once widely and severely criticised by Liberals and Conservatives, and by the business interests generally, and it became one of the chief reasons for the government's defeat and an important issue of the campaign. When parliament reassembled on September 30 Mr. Asquith at once handed in a motion for the rejection of the treaty on the ground that it, "instead of providing a genuine contribution toward solving the problem of unemployment, threatens to divert resources which are urgently needed for national and imperial development and amongst other objections, contemplates that the British

⁷ *Spectator*, Oct. 18, 1924, p. 533 said: "We all acknowledge the dignity and distinction with which he [MacDonald] has spoken on many occasions, and we all acknowledge that in foreign policy he has interpreted the wishes of the country with more address, and perhaps with more insight, than any other Foreign Secretary of recent times." For a sympathetic review of Mr. MacDonald's work as Foreign Secretary see Hugh F. Spender, Mr. MacDonald at the Foreign Office, *Fortnightly Review*, Dec., 1924, pp. 782-792; also Sisley Huddleston, *New Statesman*, Oct. 18, p. 39.

⁸ For a vigorous attack on Labor's recognition of the Soviet government see George A. B. Dewar, Britain's Recognition of the Soviet Government, *Foreign Affairs*, Dec. 15, 1924, pp. 313-319; also W. F. Lloyd, The Soviet, and Our Disgraceful Traffic With It, *Nineteenth Century*, Oct., 1924, pp. 487-493. For the Liberal attitude toward the treaty see The Case against the Russian Treaty, Supplement to *The Nation and Athenaeum*, Oct. 18, 1924; also *The Manchester Guardian*, Sept. 26, p. 261 and Oct. 3, p. 278. For the Conservative attitude see *Times, Weekly Edition*, Oct. 2, p. 356; Oct. 9, p. 387; Oct. 23, p. 448. For the Labor defense of the treaty see Arthur Ponsonby, The Case for the Russian Treaties, *Contemporary Review*, Dec., 1924, pp. 697-702.

taxpayer should be made liable for further loans to the Russian state raised by means of the guarantee of the British government, as the conditions upon which any part of the private claims of certain British creditors should be recognized by the Soviet Republic."⁹

It was, however, not the Russian treaty that was to be the immediate occasion for the defeat of the Labor government. Mr. MacDonald dissolved parliament because the House of Commons on October 8 adopted a resolution in favor of an inquiry into the dropping of a prosecution against a Communist editor charged with sedition.¹⁰ Early in August the director of public prosecutions brought legal action against John Ross Campbell on the ground that he had published in the *Workers' Weekly* an article designed to promote disloyalty among the military forces. Later, the prosecutor withdrew the charges, in accordance with directions from the Attorney General, Sir Patrick Hastings. When the Communist party leaders stated that the responsibility for the withdrawal of the charges rested upon the Labor government alone, and that the government's action had been brought about by the pressure applied by Labor members of parliament, the opposition leaders were convinced that the government's action should not be allowed to go unchallenged. They saw in it a serious interference with the course of justice. Hence when the attorney general's replies to questions proved unsatisfactory to them the Conservatives introduced a resolution of censure. The Liberals submitted an amendment which called for the appointment of a select committee to inquire into the circumstances leading to the withdrawal of the prosecution. After a full discussion, the cabinet decided that the Liberal amendment would be unacceptable. In his speech before the annual conference of the Labor party Mr. MacDonald stated that the amendment was "conceived in the spirit of mediaeval crookedness and torture, that it was designed not to censure the government but only to insult it, not to execute it but to put it on the rack."¹¹ The vote on the Liberal amendment, which was supported by the Conservatives, was 364 ayes to 198 nays. The majority against the government was made up of 236 Conservatives, 121 Liberals, and 2 Independents. Fourteen Liberals, 2 Conservatives, 2 Nationalists, and 1 Independent voted with the government. On the following day (October 9) parliament

⁹ *Times, Weekly Edition*, Oct. 9, p. 384.

¹⁰ *Times, Weekly Edition*, Oct. 16, p. 414.

¹¹ *Times, Weekly Edition*, Oct. 9, p. 384, gives an abstract of Mr. MacDonald's speech.

was dissolved. The prime minister announced that polling would take place on October 29.¹²

Shortly after the dissolution the party leaders issued their election manifestos.¹³ The Labor statement, signed by Mr. MacDonald, placed the blame for the election upon "a partisan combination of Liberals and Tories." It called attention to the progress made under Labor leadership toward the establishment of the peace of Europe, from the benefits of which Labor refused to exclude the Russian people. The proposed treaty with that country, it was claimed, would open new outlets for British manufactures and coal, and would be subject to parliamentary sanction in regard to all of its features. The government took credit for passing a great housing charter which would provide low rental houses and a continuing policy of slum clearance. Its first budget swept away £30,000,000 of taxes on food. "Apart from the necessary transformation of the whole industrial system," the government had done everything possible to relieve unemployment by working out a scheme of national development and by attempting to restore trade with other countries. Its policy was still: Work or Maintenance. Among the other plans "which the Liberals and Tories combined to stop" were mentioned: the reorganization of the mining industry, the railroads, and canals on the line of national ownership, the taxation of land values, a system of national power stations, the prevention of profiteering, and a further restriction of rents. The manifesto concluded with an appeal for the establishment of a "really Socialist Commonwealth."

The Conservative manifesto, issued by Mr. Stanley Baldwin, blamed the government for forcing a rush election because of its fear of an impartial inquiry in the Campbell case and for patching up an indefensible treaty with the Soviets. It ascribed to the government nothing but utter failure in dealing with unemployment. Although a general tariff was no part of the Conservative program, the party promised to "safeguard the employment and standard of living of the people in any efficient industry in which they were imperilled by unfair competition by applying the principle of the Safeguarding of Industries Act." Industrial revival, according to the manifesto, could be secured by measures of imperial preference. The party proposed to summon a conference to inquire into the problem of agriculture and to appoint a royal commission to investigate the cost of foodstuffs. Mr. Baldwin

¹² *Times, Weekly Edition*, Oct. 16, p. 414; *Manchester Guardian Weekly*, Oct. 10.

¹³ *Times, Weekly Edition*, Oct. 16, p. 412; *Manchester Guardian Weekly*, Oct. 17.

appealed for "a broad and stable government based on an independent majority in parliament."

The Liberal statement was signed by Mr. Asquith and Mr. Lloyd George. Like the statement of Mr. Baldwin, it placed responsibility for the election upon the government and attacked it for declining an inquiry into the Campbell case and for evading a parliamentary discussion of its "reckless proposal to guarantee, at the risk of the British parliament, a loan to the Communist government of Russia." The party had rejected the crude Labor schemes for nationalization, but it had supported every move for sound social reform. The party promised to restore agriculture by a policy which would "combine advantages of ownership and of tenancy without the disadvantages of either," and to make coal a great national asset by empowering the state to acquire all mineral rights and to provide state assistance and direction in building super-power stations. It reiterated its devotion to free trade and advocated electoral reforms which would bring about a real correspondence between electoral strength and parliamentary representation.

Nominations were made on October 18. Thirty-two members were returned unopposed: 16 Conservatives, 9 Laborites, 6 Liberals, and 1 Nationalist. For the remaining 583 seats there were 1393 candidates, distributed among the parties as follows: Conservatives, 518; Constitutionalists, 10; Laborites, 500; Liberals, 333; others, 32. Excluding the two-member, Ulster and university constituencies there were 226 three-cornered contests and 314 straight fights, of which 50 were between Conservatives and Liberals, 44 between Laborites and Liberals, and 217 between Conservatives and Laborites.¹⁴ An interesting feature of the election because of its bearing upon the real issues of the campaign was the number of cases in which a Liberal or a Conservative candidate withdrew in order to prevent the Labor candidate from winning in a three-cornered contest.¹⁵ In the 1923 election Labor secured in the single-member constituencies more than 60 seats by a minority vote. In some thirty of these there were no Liberal candidates in the 1924 election, while in ten of the others there were no Conservative candidates. These so-called "pacts" proved to the advantage of the Conservatives.¹⁶

¹⁴ *Manchester Guardian Weekly*, Oct. 24, p. 344; *Times, Weekly Edition*, Oct. 23, pp. 440 and 442.

¹⁵ *Times, Weekly Edition*, Oct. 16, p. 412; *Manchester Guardian Weekly*, Oct. 17.

¹⁶ *Times, Weekly Edition*, Nov. 13, p. 530. See also Hugh Dalton, *The General Election*, *Contemporary Review*, Dec., 1924, pp. 688-692.

The campaign was brief, even for a British election, but it lacked nothing in intensity. The party leaders made extensive speaking tours and belabored each other without mercy.¹⁷ Mr. MacDonald delivered his first important address in Glasgow. The real cause of the forced election, he said, was Labor's success in governing the country. This had distressed the Liberals and the Conservatives so much that in spite of their mutual suspicions they had laid their heads together and plotted the downfall of the government. They had scoured the fields to find prejudices against him and had finally decided that he had been tampering with justice. He wanted capital and credit for British industries, but was sure that markets were equally essential. The proposed loan to Russia was designed to provide markets for British goods. The proceeds of the loan would be spent in Britain for British goods, and would thus never leave the country at all.¹⁸ The advantages of the Russian treaty and the success of the government in foreign affairs and in finance were the chief points stressed by the Labor candidates.¹⁹

In his Queen's Hall speech Mr. Baldwin said that the ministry had been controlled by its extremist elements and had thus been unable to play the part of a patriotic and constitutional government. He prophesied that if Labor should secure a majority the country would be in for a period of reorganization of everybody and everything. Private enterprise, given fair play, meant to him efficiency. He blamed the Socialists for not having done anything to relieve unemployment and for having increased the doles. He thought they were indeed the "cheapjacks" of politics.²⁰ Condemnation of the Russian treaty, the dangers of socialism, and the desirability of maintaining the historic institutions of the country, were the main topics discussed by the Conservatives.

Mr. Asquith, Mr. Lloyd George, and the Liberal candidates generally advanced arguments that were quite similar to those of their Conservative opponents. There were the same attacks on socialism, on the Russian treaty, and on Labor's failure to solve the problem of unemployment, freely interspersed among arguments seeking to prove that

¹⁷ The most bitter speeches of the campaign were made by Lord Birkenhead and Mr. Churchill, the latter having again become a Conservative. See *Nation and Athenaeum*, Oct. 25, p. 139, for an estimate of Lord Birkenhead's campaign methods.

¹⁸ *Times, Weekly Edition*, Oct. 16, p. 412.

¹⁹ *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 468.

²⁰ *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 470.

the country's salvation lay in a middle course between reaction on the one hand and radicalism of the red variety on the other.²¹

A few days before the election the public was deeply stirred by the exciting incident of the Zinovieff letter. On October 24 the Foreign Office published a letter signed by Zinovieff, president of the central committee of the Third International, and addressed to the British Communist party. The letter urged English Communists to prepare for the proletarian revolution by fomenting disloyalty in the military and naval forces and by spreading seditious propaganda among the working people. The government published at the same time a vigorous protest which it had forwarded to the Soviet authorities. The British note held the Russian government responsible for the act of the Third International and called attention to the fact that the Zinovieff letter constituted a clear violation of a solemn agreement recently made by Russia to refrain from spreading propaganda in the British Empire. On the day following, the Russian government, through its chargé d'affaires, M. Rakovsky, answered the Foreign Office note and called the Zinovieff letter "a gross forgery and an audacious attempt to prevent the development of friendly relations between the two countries." It protested strongly against the use of a "forged document" in accusing the Soviet authorities, and demanded an apology.²² An interesting point in the controversy was the fact that a Conservative newspaper published the letter at the same time that it was given to the press by the government. In some of his speeches Mr. MacDonald gave the impression that he believed the letter authentic, but he admitted that he did not understand how it came into the possession of the Conservative press. The Labor headquarters, however, issued a statement which declared: "It is singular that copies of the letter were in the possession of the Daily Mail and the Conservative Headquarters before it had been issued by the Foreign Office to the general press."²³

The Liberals and the Conservatives naturally made the most of the embarrassing situation in which the Labor government found itself.²⁴

²¹ *Times, Weekly Edition*, Oct. 23, p. 440; Oct. 30, p. 470.

Mr. Lloyd George gave considerable attention to the question of land reform for which he proposed a new scheme.

²² The Zinovieff letter, the Foreign Office note, and M. Rakovsky's reply are printed in *Times, Weekly Edition*, Oct. 30, p. 473, and in the *Manchester Guardian Weekly*, Oct. 31, p. 372. The issue is analyzed in the latter, p. 366.

²³ *Times, Weekly Edition*, Oct. 30, p. 468.

²⁴ Hugh Dalton, The General Election, *Contemporary Review*, Dec., 1924.

Mr. MacDonald's statement that the Foreign Office note was given to the press before he had been allowed an opportunity to see it in its revised form, accompanied by proofs of the authenticity of the letter, was singled out for special criticism as casting aspersions on the officials of the Foreign Office.²⁵ If the letter was authentic, it was pointed out, it was strange that the prime minister should have continued to advocate his treaty with a government whose promises to refrain from subversive propaganda had again been proved of no value. If, on the other hand, the letter was a forgery—a "despicable plot," as he had intimated in one of his addresses—then he must justify a vigorous protest against a "forged document" by his own Foreign Office.²⁶ Before the Labor government gave up office it made a hurried investigation of the whole affair, but finally announced that it had been unable to come to any definite conclusion as to the authenticity of the letter.²⁷

The Zinovieff letter doubtless cost the Labor party many votes. It greatly added to the already prevailing hysteria caused by the discussion of the proposed Russian treaty and the Campbell case. "Millions of electors," says one of the Labor candidates, "one must suppose, honestly believed that Labor candidates, and members of the Labor government were personally implicated in a 'plot' to raise a 'Red Army' in Britain, to drown the existing order of society in a 'bloody revolution,' to destroy the Christian religion, to confiscate all private property, and to 'nationalize women.'"²⁸

That the voters of the country were greatly aroused by the issues of the campaign was shown by the large vote polled. The *Times* estimated the electorate at 20,641,342, and in its final analysis of the voting it states that the actual votes cast numbered 16,639,760, or slightly more than eighty per cent. The following table shows how

²⁵ See editorial in *Times, Weekly Edition*, Oct. 30, p. 476, and editorial in *Manchester Guardian Weekly*, Oct. 31, p. 362.

²⁶ The inconsistencies in Mr. MacDonald's statements in regard to the letter are skillfully exposed in a leading article in *New Statesman*, Nov. 1, pp. 100-101. The suggestion is made that the letter was a hoax that originated in the Secret Service. For a scathing analysis of Mr. MacDonald's course in regard to the letter see *Spectator*, Nov. 1, pp. 630-1; 632.

²⁷ *Times, Weekly Edition*, Nov. 13, p. 530. The Baldwin government shortly after taking office stated in a note to M. Rakovsky that it considered the Zinovieff letter authentic. It also informed the Soviet authorities that the Russian treaty would be dropped. *Times, Weekly Edition*, Nov. 27, p. 586.

²⁸ Hugh Dalton, The General Election, *Contemporary Review*, Dec., 1924.

the votes were distributed in the 1923 and 1924 elections, together with the number of seats each party obtained in the two contests.²⁹

PARTY	VOTE IN 1923	MEMBERS AT DISSOLUTION	VOTE IN 1924	MEMBERS IN NEW PARLIAMENT
Conservative.....	5,497,476	258	7,864,402	413
Labor.....	4,372,474	193	5,508,482	151
Liberal.....	4,262,264	158	2,929,571	40
Constitutionalist.....			175,285	6
Others.....	329,638	5	162,020	5

The foregoing table shows that under the present electoral system, and with three strong parties in the field a minority of the electorate can secure an overwhelming majority in the House of Commons. The Conservatives, with but 47 per cent of the voters, secured 67 per cent of the seats, while the other parties combined, with 53 per cent of the voters, secured only 33 per cent of the seats. The Conservative party obtained a member for every 19,000 votes; the Labor party, one for every 36,000; and the Liberal party, one for every 73,000. The Labor delegation in the House of Commons was reduced from 193 to 151; but the Labor vote was increased by 1,136,000.³⁰ A considerable part of this increase was the result of the larger number of candidates in constituencies where formerly the Labor party had none. In the same way a good part of the falling off in the Liberal vote was due to the smaller number of candidates.

The following tables, prepared on the basis of the election returns published in *The Times Weekly Edition*,³¹ show the results of the two-party and triangular contests, exclusive of those in the two-member constituencies, those in Northern Ireland, and the university seats. The second table shows also the number of victories each of the major parties won by majority votes and by pluralities.

²⁹ Nov. 20, p. 556.

³⁰ The Liberals who had suffered most from the unrepresentative electoral system were naturally the most vigorous critics of it. *The Outlook*, Nov. 8, p. 322, however, in commenting on the calculations of the advocates of electoral reform, which showed that under proportional representation the new House would have been much like the old one, says that the country should be grateful for the present system. See *Manchester Guardian Weekly*, Nov. 7, p. 386.

³¹ Nov. 6, pp. 498-502.

Two-Party Contests

	CONSERVATIVES VS. LABOR		CONSERVATIVES VS. LIBERALS		LABOR VS. LIBERALS	
	Won by Con- serva- tives	Won by Labor	Won by Con- serva- tives	Won by Liberals	Won by Labor	Won by Liberals
London Boroughs*	20	4			5	1
English Boroughs†	49	26	5	1	6	6
Welsh Boroughs.	1	1			2	1
Scottish Burghs.	9	9	1		6	2
English Counties‡	49	20	38		4	2
Welsh Counties.	1	4		1	2	5
Scottish Counties.	10	7	4		1	1
Total.....	139	71	48	2	26	18

* In one constituency a Communist won over a Constitutionalist.

† In a Sheffield district a Conservative won over an Independent; in a Birmingham district Austen Chamberlain won over a Communist. There were four straight contests between Constitutionlists and Labor. Of these each party won two.

‡ There were three contests between Constitutionlists and Labor. Two of them were won by Constitutionlists.

Triangular Contests

	CONSERVATIVES		LABOR		LIBERALS	
	Major- ity	Minor- ity	Major- ity	Minor- ity	Major- ity	Minor- ity
London Boroughs*	8	6	3	7		1
English Boroughs†	24	27	2	14		2
Welsh Boroughs.		3				1
Scottish Burghs‡		2		1		
English Counties§	62	28	1	10		
Welsh Counties.		4				1
Scottish Counties.		10		1	1	
Total.....	94	80	6	33	1	5

* In one contest a Liberal won a minority seat over a Communist and a Conservative.

† In one constituency a Conservative won by a majority over a Liberal and a Communist; in another a Constitutionalist won a minority seat over a Laborite and a Liberal.

‡ One Liberal was elected by a minority vote over a Communist and a Laborite.

§ One Constitutionalist was elected by a minority vote over Labor and Liberal opposition, while another (Churchill) won by a majority over a Liberal and a Laborite. One Independent was elected by a minority vote over a Laborite and a Liberal.

In Northern Ireland two Conservatives were returned unopposed. The other ten seats were won by the Conservatives by large majorities over their Republican opponents. Of the university seats the Conservatives secured seven, the Liberals three, and the Independents one. Conservatives won fifteen seats in the two-member districts, the Liberals and Labor three each, and Independents one.

The most striking result was the rout of the Liberal party. A large number of its most trusted leaders, including Mr. Asquith, went down to defeat. Mr. Lloyd George, however, retained his seat by a large majority over his Labor opponent, Professor A. E. Zimmern. As soon as the extent of the Liberal defeat was known the leaders of the party set about reorganizing their shattered ranks. At party conferences the policy of withdrawing Liberal candidates and thus insuring Conservative victories was strongly condemned. Mr. Asquith urged that in succeeding elections the party should place candidates in all constituencies. Only by so doing, he declared, could the party's appeal be made effective, for the voters would not show confidence in an organization that by its small number of candidates admitted that it accepted a minority status.³²

The Labor leaders expressed themselves as pleased with the results they had obtained. Although they deplored their loss of seats, they pointed to the increased number of votes in the country. They freely stated that their main object, the destruction of the Liberal party, had been realized. "At all events," declared the *Daily Herald*, "the election results clear the air. Now we know where we are and what forces we have got to conquer. We have shaken off false friends. . . . The three party system was a nuisance. The English mind could not understand it. It would have taken us a long time to destroy it by gradually beating the Liberals. Fortunately they decided to save us this trouble; they have committed suicide. There is now no Liberal party. There are only fragments which will rapidly be absorbed either into Toryism or into Labor."³³

³² *Times*, *Weekly Edition*, Nov. 13, p. 530; *Manchester Guardian Weekly*, Nov. 7.

³³ Quoted in *Living Age*, Nov. 22, p. 405. For views relative to the future of the Liberal party see *Nation and Athenaeum*, Nov. 8, p. 206, and *Spectator*, Nov. 22, p. 769. *The Saturday Review*, Nov. 1, p. 437, agreed with the Labor view in regard to Liberalism saying, "Next to the extent of the Conservative victory the most remarkable result of the election has been the Liberal catastrophe. English Liberalism is in its death agony. Nothing could have pointed more surely to its senility and decay than the barrenness of its propaganda during the campaign, both in its press and on its platforms." Mr. Churchill credited the Liberal disaster to its mistake in putting Labor into power; *Times*, *Weekly Edition*, Nov. 6.

On November 4 Mr. MacDonald resigned and the king summoned Mr. Baldwin and invited him to form a ministry. The new Conservative cabinet contains the following members: Mr. Stanley Baldwin, Prime Minister, First Lord of the Treasury, and leader of the House of Commons; Mr. Austen Chamberlain, Secretary of State for Foreign Affairs; Lord Salisbury, Lord Privy Seal; Marquess Curzon, Lord President of the Council and leader of the House of Lords; Lord Cave, Lord Chancellor; Mr. Winston Churchill, Chancellor of the Exchequer; Sir William Joynson-Hicks, Secretary of State for Home Affairs; Mr. L. C. M. S. Amery, Secretary of State for the Colonies; Sir L. Worthington-Evans, Secretary of State for War; Lord Birkenhead, Secretary of State for India; Sir Samuel Hoare, Secretary of State for Air; Mr. W. C. Bridgeman, First Lord of the Admiralty; Sir Philip Lloyd-Greame, President of the Board of Trade; Mr. Neville Chamberlain, Minister of Health; Mr. E. F. L. Wood, Minister of Agriculture and Fisheries; Sir John Gilmour, Secretary for Scotland; Lord Eustace Percy, President of the Board of Education; Sir Arthur Steel-Maitland, Minister of Labor; Sir Douglas McGarel Hogg, Attorney-General; Lord Peel, First Commissioner of Works; and Lord Cecil, Chancellor of the Duchy of Lancaster.³⁴

ELMER D. GRAPER.

University of Pittsburgh.

Political Science in Great Britain and France.¹ In response to requests for information concerning recent developments in political science in Great Britain and France, the following accounts were received from Professor Harold J. Laski, of the London School of Economics and Political Science, and M. Maurice Caudel, of L'École Libre des Sciences Politiques and editor of the *Revue des Sciences Politiques*:

Great Britain. It will be well-known to American students of political science, especially since Professor Fairlie's very careful survey in a previous number of the *Political Science Review*, that there is practically no organized study of political science in Great Britain. There is no Political Science Association; there is no review wholly devoted to its problems, since the death, in 1915, of Professor Adams'

³⁴ *Times, Weekly Edition*, Nov. 13, p. 528.

¹ Presented by F. A. Ogg to the Round Table on Comparative Government at the Washington meeting of the American Political Science Association, Dec. 31, 1924.

admirable *Political Quarterly*; and, outside the London School of Economics and Political Science, there is little attempt at its organized teaching. For the most part, our universities are content with a course of lectures on the government of England, and critical accounts, of widely varying quality and content, of the philosophy of the state.

This does not imply that excellent work is not done in political science by Englishmen; but it would be true to say that, apart from its legal and historical sides, it has not been usual for such work to be done in the universities. The best administrative studies usually come from civil servants like Sir Courtenay Ilbert, in the last, and Sir Arthur Salter, in the present, generation; the best general essays have come from the amateur at the center of things, like Bagehot and Sir Sidney Low. I do not seek to account for this situation; but it is not inadvisable to bear it in mind in reading the remarks which follow.

Mr. Ogg has asked for a general account of what has happened in political science in the last year. I am tempted to reply simply that some books have been published, none of them remarkable, but a few very useful; that, through the medium of the Institute of Public Administration, the civil service has begun to realize the great contribution it has in its power to make in political science; and, thirdly, that certain small changes in the emphasis of doctrine are perceptible. I shall deal separately with each of these.

Of books, the most important single volume is Mr. E. A. M. Lloyd's *The Mechanism of Certain State Controls*. This is a full and impartial account, with the necessary documents, of the vast experiments in socialization undertaken by Great Britain during the war. Its conclusions bear out very strikingly Sir Arthur Salter's views in his *Allied Shipping Control*. Another volume of interest is Mr. H. B. Lees-Smith's *Second Chambers in Theory and Practice*, a careful and interesting survey which may be taken to summarize the reforms a Labor government would attempt if it got a majority in the House of Commons. A third book which has been widely recognized is Dr. Herman Finer's *Representative Government and a Parliament of Industry*, on the whole the best existing account of the Economic Council in Germany and its workings. Other books which have great merit are, Ilbert and Meston, *The New Indian Constitution*,—a friendly account,—and A. Corthill, *The Lost Dominion*, easily the best statement of the case for "diehardism" in India; with both of which should be compared B. G. Sapse, *Government of British India*, which is the best single-volume analysis of that government's evolution and struc-

ture. These are all on the administrative side. On the historical, I know only of two books, *Social and Political Ideas in the Middle Ages* (ed. Hearnshaw) in which there are admirable essays by Principal Barker, Miss Power, and Mr. Jacob, the last of whom is rapidly making himself the first authority in England on his subject; and C. R. and M. Morris, *Short History of Political Ideas*, which will interest the American teacher as showing what that subject means at Oxford. A new series of political reprints has also been started, in which the *Vindiciae contra Tyrannos*² constitutes the first volume. On the side of theory, the only work of any significance is Mr. A. D. Lindsay's paper in the *Proceedings* of the Aristotelian Society; though, with the permission of the sociologists, I should like to claim Professor Hobhouse's *Social Development* for political science and mark it out as the most distinguished book of the year.

On the legal side there are two books and three controversies to be noticed. Mr. A. B. Emden's *The Civil Servant and the Law of the Constitution* is pioneer work of its kind, and wholly admirable work; and Mr. C. T. Carr's *Delegated Legislation* is a model of succinct yet suggestive statement. The controversies of importance are those over the Irish deportations, on which see *in re O'Brien*, and the legal press of March-May 1923; the problem of the royal power in relation to the dissolution of Parliament, on which see the references in my *State of Parties and the Right of Dissolution*; and the Campbell case, which raises the question of the judicial nature of the Attorney-General's Office, on which see Hansard, Oct. 8, 1924, and a letter from Sir H. Stephen in the *Times* of October 7.

Books apart, the outstanding fact in our political science at the moment is the renewed interest in a scientific public administration. That is shown not only by the foundation of the Institute and its journal; not only, also, by the work of recent royal commissions and departmental committees, of which that on local government is perhaps the most notable, but, above all, by the degree to which it is now becoming possible to obtain a considerable audience for lectures and books upon this subject. The value of government publications is more widely realized than ever before; and the reports of the Works Committees of 1917, and of the Machinery of Government Committee of 1918 have sold ten times more widely than was anticipated. There is in contemplation a series of monographs on the government departments; and the Fabian Society proposes to issue pamphlets on public administration and its reform.

² Edited, with an admirable introduction, by Mr. Laski (F. A. O.).

In political theory, little has happened that is creative. The deaths of Bosanquet and Bradley remove the most considerable figures in English political philosophy since T. H. Green; and Sir Henry Jones, though not an original thinker, was at least a popularizer of eminent ability. On the Hegelian side, no one, at present, seems likely to take their place; the leaders who remain,—Cole, Russell, Hobhouse—are all anti-idealist in outlook. But it must be confessed that the left wing has not produced a coherent philosophy of their own. Mr. Wallas becomes more and more a pure psychologist; Mr. Ginsberg is devoting himself to sociological method; Mr. Cole has taken to history; and Mr. Russell is revising *Principia Mathematica*. Mr. and Mrs. Webb have produced in their *Constitution for a Socialist Commonwealth* a brilliant study of institutions, but it is not a philosophy. Mr. Tawney's *Acquisitive Society*, the most influential English book of the last fifteen years, deals with only one aspect of the problem. Idealism is still the dominant note at Oxford and Cambridge, largely, I believe, because no attempt has been made at the coherent statement of alternative views. In 1920, guild socialism was the fashionable doctrine of the time; its influence is now almost negligible. Its importance has come to lie in its emphasis upon industrial decentralization, and it is generally agreed that it is not a theory of the state.

In conclusion, I may perhaps venture to add my conviction of the importance of a more frequent exchange of opinion on these matters between England and America. In the first place, our knowledge of American institutions is pathetically small; and, secondly, much American knowledge of us is rather external than intimate. If, one day, the Political Science Association could, like your lawyers, hold its annual conference in London, it would, I am sure, receive the warmest of welcomes as a mark of the gratitude we should feel.

HAROLD J. LASKI.

France. The most significant tendencies which the study of political science in France presents today are: (1) centralization in Paris; (2) emphasis upon social observations; (3) the variety of interests and of research; and (4) propensity to popularization.

Centralization is a natural result of our political system. Not only is Paris our governmental and administrative center from which all initiative comes; the indispensable instruments for work are found within her walls. Public and private libraries and collections of archives there are incomparably more numerous and rich than in any

other French city. The specialists there are very numerous and make up, so to speak, a large permanent congress in which the exchange of ideas and of criticism is exceptionally facilitated.

It would be a mistake, however, to consider the provinces inhospitable to intellectual life. The people of the provinces read more than those in Paris; in Paris time is often lacking. They pay more attention to the lecturers who come their way. They carefully collect and assimilate the work of Paris. They have also manifested fruitful initiative. Regionalism has led to many investigations. Local societies have carried on some interesting research. Distances, however, and the scattered means of information are such that it is often difficult to carry very far an investigation which is not purely local or fragmentary without going to Paris or consulting the authorities there. Hence, political studies are necessarily centralized in the capital.

In the second place, our political sciences are clearly tending toward social studies. In this connection a few facts are very significant. Fifty years ago, Émile Boutmy founded the *École des Sciences Politiques*. Under its fruitful stimulus, people began taking interest in political studies, observing, especially, general political phenomena. Twenty or twenty-five years later, the *Musée Social*, the *Collège Libre des Sciences Sociales*, and the *École des Hautes Études Sociales* were founded, one after another. These titles alone will indicate the evolution which was accomplished in this brief time. It is quite possible that it was due partly to fad—to the somewhat passive obedience to a trend of general ideas, a seeking after an attractive title which catches the attention and claims the interest of the public. But still that proves the existence of the tendency in question, the trend or bent of public curiosity.

A third characteristic may be noted in the variety of interests and of research; and this is perhaps the most important. The number of listeners is increasing from day to day. They came first from the instructional staffs of the institutions which I have named. But their crowded ranks have been extended much further, so as to include a vast number of public-spirited seekers who, either by their natural predilection or by some happy chance, have become attached to tasks of this nature. Hence, there has been a very abundant production. Hence, also, sometimes there have been inequalities, weakness, and lack of uniformity. Beside the book of sound scholarship, which is written only after mature reflection, stands the polemic, composed by a person of preconceived ideas; alongside the historical work based on

careful and exact analysis of documents, is the book which was written deliberately in support of a definite proposition. And it is not always easy to differentiate between these. In this mass there is some dross, but there are also not infrequent nuggets of good metal.

The tendency toward popularization is the last characteristic of which I should like to speak. It is an obvious tendency. It is noticeable both in the school and in the press. The research professor is glad to have huge audiences in which the student is drowned by the wave of the general public. The benevolent lecturer, professor, or more or less occasional orator, vies with him in this respect. Paris offers exceptional opportunity for this sort of thing. Some of the institutions named are located at the very doors of our University, barely across the street, as if they had been set up there with the thought of welcoming the overflow from the neighboring lecture-rooms or of satisfying whatever curiosity had not been appeased in them. In this respect, that quarter of Paris which extends from Saint Germain des Prés up to the Montagne Sainte Geneviève presents an aspect which I believe is absolutely unique; during the winter and for a good part of the spring, at all hours of the day, throughout the week, its every corner reëchoes with lectures on all sorts of things and with a richness and variety which it would be difficult to conceive of elsewhere. In the past few years, this activity has been going on in summer—much earlier in the season than formerly—along with the summer courses which are given especially for foreigners.

There is the same variety and the same inclination toward popularizing by means of the printed book. It is true that people still write very learned treatises which, being very serious, and even tedious, are hardly available for the ordinary reader. But the same authors still find time to compose books for everybody, which, though usually shorter and simpler, are not always short, and which answer a very real curiosity, for the public receives them well.

The fact that these lecturers and these authors find auditors and readers is a good augury for our national education. Before the public, our studies take on a color, a similitude of life, which they would never acquire in the solitude and silence of the closet.

Turning to the materials for work, we note that in France they are as abundant as in other countries,—sometimes more so. They are generally sufficiently classified and in reach of the seeker. However, on this point, some gaps are still to be filled. The catalogues of our large libraries are not all published or easy to consult,—for example,

the catalogue of the *Bibliothèque Nationale* is not yet complete. More modest and more specialized collections are often known only to a few and escape the attention of foreigners. I have cited the library of the *Musée Social*. There are others of the same sort. New collections are being established. Among these is the *Bibliothèque du Musée de la Guerre*, which possesses all the documents relating to the history of the war and constitutes a remarkable collection. Our archives are being extended and filled in constantly. Those of the ministry of the colonies have been recently classified.

But libraries and archives offer their treasures especially to the historical sciences, which are only one branch, and naturally not the most vital branch, of political science. In the other branches, we are suffering from the same deficiencies as are felt elsewhere. The seeker has not at hand the exact, dependable complete information which is indispensable for drawing final conclusions from the study of facts. He has to investigate for himself, with difficulty and at great expense, to collect figures, facts, and documents from day to day, more or less at random, in so far as his means will permit. He has no collections in which the facts gather and line up of their own accord, as if automatically. Some periodicals deal with classifications of this sort. Their resources and their means are limited. Sometimes their efforts do not last. So far as I know, the conditions are no better elsewhere. What we need is a strong organization, able to carry on a continual effort,—to collect, day by day, facts, figures, and documents, or at least summaries of the latter and bibliographical data about them. Only with this would the political sciences of contemporary observation be able to come to positive conclusions.

A word about methods of work. What has been said concerning the difficulties of documentation leads me to call attention to the increased care of scholars in this direction. They are making praiseworthy efforts toward documentary information. A result is the tendency toward specialization. The worker is limiting the field of his observations. He is confining himself to a circumscribed zone which he goes over constantly and which he explores in its innermost recesses.

This tendency, however, does not proscribe more pretentious undertakings nor the cultivation of general ideas. And, in our science, we constantly see a clash of the two kinds of minds which make up the learned world—they are perhaps a little more opposed in France, on account of our national characteristics. On the one hand, we see the people who are occupied with passively collecting, classifying,

stating facts. These are the observers. On the other hand, there are those who cannot confront a group of facts without looking for the causes, deducing the results and taking them as a basis, even though it be an unsteady one, for building up the lines at least of a thesis, if not of a whole system. These are the reasoners.

One side works *ad narrandum* and the other *ad probandum*. Each follows his own temperament, in which they are decidedly right, since, if they tried to do otherwise, they would be condemned to sterility. And there would be no harm in this double tendency if the distinction between the two were as clear as it seems at the outset, and if we could house their works in different corners of our libraries. But such is not the case. The two temperaments are often found in the same man, and they clash in the same work. This brings to the reader the serious problem which constantly occurs in all political studies: "Who is the author?" "What is his value?" "What is his estimate worth?" These are difficult questions to answer, for the two temperaments mingle, and clash constantly. They come together in the operation of analysis. The observer calculates more; at least he says so. The reasoner has more mettle; at least he seems to. . . . This problem takes on a peculiar gravity in our largely conjectural sciences, in which we move with difficulty on account of the changing and dim light which we get from exuberant, unequal, and vague information."

MAURICE CAUDEL.

REPORTS OF THE SECOND NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

HELD AT CHICAGO, ILL., SEPTEMBER 8-12, 1924

INTRODUCTION

The following quotation from an economist is of great significance to the modern student of politics. "There is danger that the natural sciences must always outstrip the social sciences. In the first place, the natural sciences can use the experiment method, and the social sciences have hardly yet devised an adequate substitute. Then again in the natural sciences, the inventor and original thinker is rewarded and honored, but in the social sciences the inventive mind is more or less ostracised and new ideas that touch upon the key problems of modern life, namely, the control of human and economic activities, are at once branded as radical and dangerous." This apparent discrimination against the social sciences is entitled to careful consideration. Is it a necessary difficulty inherent in the very nature of the social disciplines? Or is it due, at least in part, to inadequate and inconclusive methods of social research?

Without attempting to speak for the other social sciences, the writer has but little doubt that much of the hostility encountered by the political pioneer is due to the unscientific character of his conclusions. The announcement of new discoveries by the scholar in material sciences is generally accompanied by a summary of material evidence, practical tests, precise measurements, or actual demonstrations, that afford strong and persuasive evidence of the reality of the discovery. The issue of the validity of the new theory is generally reduced to a question of fact, for the proof or disproof of which objective evidence is available.

Compare this procedure with that used in connection with the announcement of new suggestions, theories and ideas of political science. How many contributions to political thought or to governmental theory have been preceded by a patient, painstaking gathering of all the evidence and facts that might be material in determining the validity of the new discovery? How many even go through the form of striving to ground their theories on a basis of ascertainable facts? In view of the

attendant circumstances it is not even passing strange that new political theories, which frequently encounter existing prejudice and deeply rooted convictions, should be received with either hostility or indifference. But the important question is, is this evil an inherent one?

It is true that this apparent antagonism to new political discoveries has been occasionally relied upon as a moral alibi for the lack of a more aggressive campaign of political research. But is this a fair attitude to assume? Is it not more in the nature of a challenge than an excuse? Does it not point the way to the necessity of placing political research upon a scientific basis of objective fact? Is there any reason to suppose that the truth about government will find a more hostile and belligerent opposition than the truth about biology, chemistry, or physics, when it is accompanied by a body of objective evidence, scientifically arranged?

The unfortunate element in the situation is the painful fact that the pressure of every-day political problems requires the application of new theories before there has been time for appropriate investigation and research. The author does not wish to imply a criticism upon those who, under the stress of modern political needs, have offered what tentative ideas they had, without waiting to check their accuracy through the slow-moving methods of scientific investigation. To have thus withheld one's contribution to the public problems of the hour would frequently have been in clear violation of patriotic duty. Professor Merriam has made a valuable suggestion in this connection. He distinguishes between political prudence and political science. The opinion of public men and of political scholars may be of great value in determining public questions upon which scientific studies are not available. But such opinions, valuable tho they may be, can not be the basis of political science, and it is the business of the latter so to extend and perfect its technique and increase its activities, that more and more of the field now preëmpted by political prudence will be occupied by a science of politics.

The need of placing political science upon a really scientific basis will be obvious to everyone. There is scarcely a phase of the subject that does not offer the most alluring and virgin opportunities. Moreover, these opportunities are of more than academic interest. The results of scientific investigation would be, in many instances, of incalculable value to the efficiency of our governments and to the tremendous interests that they serve.

The real difficulty has been, not in a lack of vision on the part of the profession, nor in any spirit of indifference to the public welfare, but in the lack of scientific technique. Those who have attended the Conferences on the Science of Politics can have no doubts as to the genuine eagerness of the profession to advance scientific methods, nor as to just where the real difficulty lies. The great obstacle to scientific progress is found in the lack of technique and method. The relation of political theory to objective evidence and to the science of statistics is not so obvious as in the material sciences. There may always be some political questions that will elude any effort to reduce them to questions of fact, of objective treatment, or of precise quantitative measurement, but there can be no doubt that much of our political experience is capable of accurate measurement and scientific generalization if we can only find the method.

We need, first, a more penetrating analysis of the various problems of politics in the light of the possible evidence that may be available. This will lead to the process of restating these problems in terms of tentative principles that the student believes to be involved, and which he believes may be capable of objective treatment. Then come the questions of what facts are relevant, what facts are available, how may they be secured, how can they be measured, and how should they be treated to afford the basis for accurate generalization?

The problem is complicated by two factors. Material science may frequently use the method of the controlled experiment in which all the factors have been removed, save those to be observed, and where the process may be repeated at will, until all opportunities for study and observation have been exhausted. Unfortunately, this process is not so available to the student of politics, altho the report of the round table on Politics and Psychology contains some interesting suggestions looking toward controlled experiments in dealing with the problem of investigating changes of opinion. The other factor of real difficulty lies in the fact that much of political research involves a use of the materials of other sciences than our own, with which the political scientist is not equipped to deal, and where the other sciences have made no contribution of particular applicability to our needs.

An example in point is found in the relation of psychology to political science. The personnel problem of public administration, which involves, among other things, the working-out and administering of efficiency tests, and testing out of the tests, requires a working knowledge of psychology's contribution to the technique of mental measurement.

The problem of public opinion, mass psychology, the rôle of suggestion in political propaganda—in fact, the whole field of what might be called the psychology of political behavior—illustrates very nicely the necessity for coöperation in technique and method between the two disciplines involved. It is futile to wait for the psychologists to preëempt the field, or to expect their coöperation, until we have analyzed our problem, and stated to them our specific needs. What is true of the relation of psychology to political research is also true, to a more or less extent, of the science of statistics, as well as of other allied branches of specialized knowledge.

One of the interesting outcomes of the Conference was the almost spontaneous unanimity with which the directors reached the conclusion that every round table needed the presence of both a psychologist and a statistician. The fact that the director of one of the groups was a psychologist of note and that a group of eminent psychologists found it possible to attend the Conference, is a matter of more than passing significance.

It is in the solution of this complex problem of method and technique, involving several points of view, requiring the coöperation of different disciplines, and demanding inventive ingenuity; creative imagination, powers of analysis and synthesis, a wide range of knowledge and practical experience, and originality and resourcefulness, that an exchange of ideas and the stimulus of mutual criticism and suggestion, such as comes out in round table conferences, seem to reach maximum efficiency. For this reason the Conference on the Science of Politics was planned on the round table idea. The one great object was the study and development of a scientific technique for political science. This seemed to call for just the kind of mutual counsel, suggestion and criticism that intensive round table conferences would produce. Consequently the Conference was divided into eight round tables with permanent memberships, and to each group was assigned a special topic of investigation. Each group then spent the week formulating the tentative theories they believed to be involved and working out the methods by which the accuracy of such theories could be scientifically determined by objective evidence. Each round table periodically reported its tentative conclusions at a plenary session of the whole conference. A final report of the week's work of each round table was prepared by the directors and they are published herewith.

From a survey of the work of the Second Conference there emerge four definite impressions that are significant. First, the almost unan-

imous agreement that the process of perfecting a scientific technique of politics will be greatly facilitated by the coöperation of the psychologist and the statistician. This feeling found a definite expression in the unanimous approval voted by the Conference to the specific recommendations of the round table on Politics and Psychology, that courses in statistics and psychology be required as an early part of the advanced training of students of politics. Second, a remarkable demonstration of interest in the problems of the Conference on the part of a group of eminent psychologists who attended the Conference and played a very active part in its deliberations. Third, the Second Conference was marked by definite improvement over the accomplishments of the First Conference. This was due partly to the momentum created by the First Conference, partly to the improvement in the personnel of membership. Practically the entire membership was composed of people who came to work definitely on some problem and there was an absence of the casual visitor and observer. To a large extent the groups took up the work where it had been laid down a year before, without nearly the amount of lost motion, futile maneuverings, and indefinite objectives that necessarily characterized the initial efforts of the opening Conference. Fourth, the feeling that the Conference had a permanent and important place in the development of political science, seemed to be definitely established among all those present.

The writer is prevailed upon to repeat here some remarks made upon another occasion, but which seem apropos. If the reports of the Conference seem to be naive, elementary, and inconclusive, there is no reason for discouragement. One has but to recall how inadequate and naive now seems the simple technique that ushered in the application of scientific method to the material sciences. In a recent address, Dean Slichter of the University of Wisconsin has emphasized this fact and cited the following minutes, abstracted from a record of a meeting of the Royal Society held September 10, 1662.

"It was order'd, at the next meeting Experiments should be made with wires of severall matters of ye same size, silver, copper, iron, etc., to see what weight will breake them; the coratour is Mr. Greene.

"Dr. Goddard made an experiment concerning the force that presseth the aire into lesse dimensions; and it was found, that twelve ounces did contract $1/24$ part of Aire. The quantity of Aire is wanting.

"My Lord Brouncker was desired to send his Glasse to Dr. Goddard, to make further experiments about the force of pressing the aire into less dimensions.

"Dr. Wren was put in mind to prosecute Mr. Rook's observations concerning the motions of the Satellites of Jupiter.

"Dr. Charleton read an Essay of his, concerning the velocity of sounds, direct and reflexe, and was desired to prosecute this matter; and to bring his discourse again next day to bee enter'd.

"Dr. Goddard made the Experiment to show how much aire a man's lungs may hold, by sucking up water into a separate glasse after the lungs have been well emptied of Aire. Severall persons of the Society trying it, some sucked up in one suction about three pintes of water, one six, another eight pintes and three quarters, etc. Here was observed the variety of whistles or tones, which ye water made at the several hights, in falling out of the glasse again.

"Mr. Evelyn's Experiment was brought in of animal engrafting, and in particular of making cock spurs grow on a cock's head."

It is but commonplace to mention that scientific method applied to material sciences has revolutionized the world. Again quoting from Dean Slichter, "Man now knows that disease may be cured, that life may be prolonged, that much human suffering may be prevented. The control over natural processes given by science, the control over human happiness given us by modern medicine, he is now convinced must be matched by a control even over destiny itself. Man has not yet reached this mastery, but he has reached the belief in its possibility. He is no longer willing to bow down to fate or to resign himself to all of the tragic elements in life, as did the ancients; rather he is demanding deliverance through the researches of economic science and through the understanding of history. The World War has taught him that the great power over the processes of nature may be used quite as well for his destruction as for his advancement. The New Philosophy that produces a thousand tons of poison gas in a day and tens of thousands of machines and aeroplanes to discharge it, is not a philosophy that of itself will lead men to better things. . . . The scientific revolution has advanced man further in his control over nature than in his control over himself. When millions of lives may be obliterated by a chemical formula, there is required a subjugation of human selfishness, such as never before was demanded. But poison gases are not the only compounds that threaten society. Modern business methods and the modern system of industrial development, contain poisons and explosives, more destructive, perhaps, than material reagents. If we can establish no control over the selfishness of men, these powers must tend to become more threatening and more ruthless until civilization itself will be in danger."

The need of today is for developing the power-controlling sciences until they equal the efficiency of the power-creating disciplines, to the end that mankind can become the conscious arbiter of its own destiny. We must evolve a system of social control by which reason rather than passion will be the dominating power. This necessity is tragically evidenced by the present status of international affairs. Among the peoples of all the great nations of the world today there seems to be an agonized desire for peace. And yet humanity stands helpless and impotent. The forces that make for war and desolation are scarcely checked in their apparently resistless march. Our civilization is unable to control itself, to realize its ideals, to accomplish its most cherished ends. The only hope seems to lie in the development of the power-controlling sciences, until mankind can devise the means by which its noblest aspirations may prevail. However humble be the present achievements in developing a technique of politics, its importance can not safely be ignored. The hope of the future seems to lie in a continuous and insistent struggle to devise a technique for the power-controlling sciences that will be adequate to the tremendous problems of modern life.

ARNOLD BENNETT HALL,
Chairman.

ROUND TABLE ON POLITICS AND PSYCHOLOGY

THE SIGNIFICANCE OF PSYCHOLOGY FOR THE STUDY OF GOVERNMENT AND CERTAIN SPECIFIC PROBLEMS INVOLVING BOTH PSYCHOLOGY AND POLITICS

1. Purposes of the Round Table. The round table on politics and psychology formulated its objectives in line with those of the conference, which were to discover the technique and the methods by which the study of politics may become a science. Professor Merriam distinguishes between political prudence and political science. By political prudence he means the gathering of opinion, expert opinion if possible, to serve as the basis for intelligent action. By political science, as science, he means the statistical and quantitative analysis of the phenomena of politics so that political action may be based as far as possible on scientific evidence rather than upon personal opinion and judgment.

The study of politics takes its place with economics, sociology, education, psychology, and other social sciences which are in various stages of advancement in scientific technique and method. In this type of

comparison the study of politics is less developed than economics, for example. Education has established itself as a social science with a vast array of technique and method for quantitative analysis. Sociology is one of the less developed of the social sciences in that it has not yet developed much in the way of technique for scrutinizing the causal relations in the field of its subject-matter. Among the social sciences psychology occupies a middle place as judged by its available technique for scientific inquiry.

The different branches of psychology are not equally well developed. Thus, the experimental psychology of the sense organs has a highly developed technique for exact measurement comparable with the technique of the biological sciences, whereas social psychology is the least developed of the psychological branches in this regard. Unfortunately, considering the development of method, it is largely from social psychology that a contribution may be made to the study of politics and since this branch of psychology is one of its youngest, the contribution must necessarily be meager. On the other hand, psychology has developed, perhaps farther than the other social sciences, the statistical and biometric methods for the study of groups. Since the biometric methods are fundamentally the same in their various applications to biological and social data the psychologist can make this type of contribution to the study of politics. His contribution will be partly in his capacity as a biometrician and partly in his capacity as a psychologist. The psychologist can assist in the formulation of social psychological problems of interest to the political scientist, and the biometrician can assist in the formulation of the statistical and experimental controls by which scientific inquiry may be successfully pursued.

2. *What Constitutes a Problem in Social Science?* The first session was devoted to a discussion of what constitutes a scientific problem in the social sciences as distinguished from historical inquiry, philosophical speculation, and the expressions of personal opinion and judgment. This distinction is easily made in the exact sciences, but it is frequently confused in the social sciences where the distinction is not often sharply drawn. Every scientific problem is the search for the relation between two or more variables. Before the problem can even be stated or clearly comprehended, each of the variables must be stated separately. Each variable must be so described that it is clear what is meant by more of it and less of it. If this more-and-less aspect of the variable can not be clearly stated, some other basis must be used for dividing the variable into discrete categories each of which is defined. Thus public opinion

is not a variable because there is no possibility of defining what is meant by much public opinion or by a little public opinion. However, the number of votes cast for or against a proposal is a variable because it has a clear quantitative aspect. Occasionally a factor such as race does not lend itself readily to treatment as a scale with high and low values, but such factors must then be classified into discrete groups so as to make quantitative analysis possible.

Every scientific problem can be stated in the form of the question "What is the relation between A and B?" or "What is the effect of A upon B?" It is a pretty good test of any proposed problem in the social sciences to determine whether it can be phrased in this way. If it can be so stated, it is a bona fide problem. If it can not be so stated, the proposer probably needs to do some more thinking before his problem is ready for scientific inquiry. Then, the units of measurement must be explicitly stated so that another investigator will comprehend it.

When a problem has been stated as above outlined it is ready for the ingenious investigator. The task is then to invent the methods and the technique by which the relation may be established empirically. This phase of the solution of a scientific problem is one which gives unlimited opportunity to scientific ingenuity. The subsequent analysis of the paired observations of the two variables in the problem should be guided by the statistical and biometric methods which constitute essentially a system of logic for the evaluation of mass data.

The several stages in the solution of a scientific problem can be summarized as follows:

1. A felt social need which requires analysis, satisfaction or cure.
2. The phrasing of the need, or perhaps a small part of it, in the form "What is the effect of A upon B?"
3. The definition of the variables A and B, preferably in quantitative terms.
4. The adoption of a unit of measurement for each variable.
5. The experimental arrangement by which paired observations may be obtained for A and B.
6. The statistical analysis of these observations to determine, objectively, the degree of the relation and the nature of the relation between A and B.
7. The interpretation which consists in reading causality into the observed concomitance of the two variables.
8. The formulation of more problems which arise from doubts in the interpretation and from which the cycle repeats itself.

3. *Pre-scientific Studies.* Before quantitative work can be begun in the social sciences it is perhaps characteristic to find a period of speculation and historical inquiry relating to the subject. Out of much study come the hypotheses that can, at a later time, be subjected to quantitative scrutiny. It is frequently possible to discuss these hypotheses gleaned from historical and other informal evidence without seeing the immediate possibility of experimentally verifying them. Such theories, doctrines, and hypotheses break up gradually into groups of more specific questions that may be studied with the quantitative controls of scientific method. This will probably be the case with such questions as the influence of Nordic or Mediterranean nationalities on American civilization. The question can not itself, and in such a form, be subjected to scientific study, but it will in time break up into many specific questions that do lend themselves to rather well-controlled scientific study. For this reason we must be content with the realization that much of the important subject-matter of a social science will necessarily be speculative during the earlier phases of its development, and we must make the attempt so to phrase our speculation that it looks ultimately toward specific and quantitative verification.

4. *Proposed Psychological Problems in the Science of Politics.* In his essays on *Politics and Psychology*, Professor W. H. R. Rivers has suggested a number of problems some of which could probably be attacked with profit even at the present time. One of his suggestions concerns the relative effectiveness of committees for advisory and for executive functions. His guess is that the committee organized for advisory functions is serviceable, whereas the committee which is organized for an executive function is of questionable value. A case study of pooled experience on this problem might yield empirical data of considerable value. The presence of a single dominating figure in a committee and the presence of indifferent committee members and their effect on the committee's work are further problems on which a profitable case study might be made.

Professor Rivers has ventured the assertion that the successful leader is one who makes his appeal primarily to the emotions and not to intelligence. It would seem possible to verify or refute such an hypothesis by the study of many successful and unsuccessful leaders and the relative degree to which they depended on emotional and intellectual appeal for their support.

Another of his many suggestions is contained in the following quotation (page 72): "I have suggested that the social counterpart of the

nightmare is the revolution; and if the effects natural to the experience of social wrongs are not allowed to find expression in such a way as will lead to the recognition of the wrongs and to the measures which follow upon this recognition, there will sooner or later be violent and unregulated all-or-none manifestations comparable with those of the nightmare". This is a problem in which the historian, political scientist, and the psychologist could coöperate with profit. The study should be made by the case method and the analysis of each case should follow informally a common plan or schedule. It was Professor Rivers' thought that much legislation which is aimed to cure a social wrong accomplishes little more than the palliatory measures of a physician who relieves the symptom without diagnosing its deeper cause. Just as the mental hygiene movement is now giving attention to preventive measures by which mental evil may be anticipated and avoided, so the political scientist should attempt so to diagnose political evil that legislation may be preventive rather than curative in character. This is an informal type of inquiry out of which will come ultimately more specific questions that can be solved by quantitative empirical methods.

5. *Methods for Investigating Changes of Opinion as Expressed by the Ballot.* The projects discussed in the conference divided themselves into two large classes, namely, those which concern the change of opinion and those which concern leadership. The opinions which are recorded in a ballot are probably affected by a number of factors some of which may be experimentally analyzed. The following problems were discussed by the conference:

The effect of reading persuasive material on the ballot. In this type of experiment a ballot would be taken on some question such as prohibition, war, or any issue on which public opinion varies. The subjects in the experiment would then be asked to read persuasive material for the issue, other subjects would be asked to read persuasive material against the issue. The effect of the reading would be ascertained by a second ballot.

The effect on the voter of announcing the majority opinion. In this experiment a ballot would be taken on any suitable issue after which the vote of the majority in the group is announced. A second ballot is then taken in order to determine this effect.

The effect of announcing the opinion of alleged experts on the ballot. This is again similar to the previous experiment except that between the first and second ballot is inserted an announcement of the opinions of experts to determine the effect on the balloting.

The relative effect of oral and written presentation of persuasive material. This type of experiment can be arranged according to the same general plan as the previous ones but it is more difficult to control so that the conditions can be reproduced by other experimenters.

Such experiments can be varied by introducing material which is neutral as far as the subjects in the experiment are concerned, but which has in reality a calculated effect on the subjects. Thus in an experiment of the first type the subjects were asked to ballot on their attitude toward war which was phrased in a number of statements. The reading material introduced between the first and second ballot related to children and the readers probably assumed this material to be neutral as far as the peace and war proposals were concerned. It was found experimentally, however, that the effect was to increase the pacifistic opinions as shown on the second ballot. We have here in miniature and in experimental form the effect of propaganda in which opinion is influenced by presentations that are thought of as neutral by the readers but which are intended to have a definite effect on their opinions. This type of experimentation is very suggestive for further work of a similar kind.

The experimental measurement of nationality, race, sex, schooling, age, economic status, occupation, religion, and other factors as determinants of opinion. Such experiments would have for their object the determination of group differences in opinion on stated issues.

The effect of the factors listed above and others on the willingness to change opinion on public issues. This type of experimentation could be carried out by submitting to people a list of proposals for changes in the established order with or without some reasons for the proposed changes. It would be illuminating to study the group differences in willingness to consider the feasibility of changes in the established order. It would probably be found that some of the groups as defined above would be so set in their opinions that they would not even consider the proposals as even possible while other groups would be more open-minded in expressing their willingness to consider revisions in the customary social habits and traditions.

A parallel experimental study could be made of the group differences in the effect of different types of material on changes in opinion. Such studies might reveal that certain groups are more easily persuaded to change their opinions than other groups. In order that such experimentation may be at all trustworthy it would be necessary sooner or later to carry out the experiments on a sufficient range of issues to establish general principles.

Experiments could be carried out by asking the subjects to assign their reasons for voting as they do on the first ballot. The persuasive reading material would then be presented. On the second ballot there would be changes of opinion by some of the subjects. It would then be possible to determine empirically whether those who assign certain typical reasons are more or less easily persuaded to modify them than those who give other types of reason. If such findings should reveal any general principles they would be useful in predicting the changeability of opinion in terms of the reasons assigned for them.

The ballots should be arranged so that the voter expresses not only what his opinion is but also in some manner the strength of his conviction in voting. If the subject is prohibition the voters might check various statements that they endorse. These statements should include extreme temperance statements, statements favoring a moderate government control, and statements endorsing complete license. The relative strength of the conviction of the voter could then be ascertained in his ballot and these relative degrees of conviction could be studied with reference to the variables above mentioned.

A variation of these experiments would be to ascertain the effect of secret and open ballots on the total vote. The experiment might be arranged either in the form of a "yes" and "no" ballot or in the form of graded statements which the subjects endorse or refuse. Still another factor is the comprehension of the reading material. Its effect on the final ballot might be ascertained by comparing the graded ballot with the degree of comprehension of the reading matter, which should of course be determined by objective tests.

An important qualitative study would be the psychological analysis of the personalities that react negatively to the suggestions in the reading material. It was found in the preliminary experiments of Mr. Sturgis that some of the subjects modified their voting in a direction opposite to that of the reading material which was inserted between the first and second ballots. If negative suggestibility can be experimentally verified as a characteristic of some individuals it should be an important consideration in any problem affecting the change of personal opinion. It would be rather easy to determine experimentally the relation between the intelligence of the subjects and their changeability in voting on several issues with two ballots and persuasive material between the two ballots.

A more or less qualitative inquiry would be a study of the relative effectiveness of emotional, dogmatic, and logical appeals on the chang-

ing of personal opinion. The effectiveness of each of these appeals may in turn be studied for each of the groups defined by sex, nationality, age, education, religion, and race. It is quite possible that these different types of appeal may be entirely different in their effectiveness for these different groups. Such studies cannot at present be reduced to an entirely quantitative form. However, enough can be done experimentally even with variables of this kind to remove the problem from pure speculation to the realm of empirical study.

6. *Plan for the Study of the Distribution of Opinion in any Given Population.* Professor Allport presented in outline form a plan for the study of the distribution of opinion in any given population. If prohibition be the issue chosen for experimental study the solution of the issue would be represented by a series of statements ranging from extreme abolition on the one hand to extreme individual license on the other hand. The statements numbering a dozen, more or less, would be arranged on a scale at the center of which would be a statement representing a middle ground, more or less neutral and not colored by prejudice or violence of opinion. It would then be possible to obtain a graded ballot from a given population so that the number of individuals in each population sanctioning each statement could be represented graphically. The highest ordinate on such a chart would represent the general tendency of public opinion in the given population. The shape of the distribution chart would itself be of considerable scientific interest. If the shape of that curve were studied before and after the presentation of persuasive material leaning toward one extreme, the effect of the reading could be ascertained in the modified shape of the distribution of opinion on the issue. It could then be ascertained whether it is the people in the general middle range or the people at the extremes who can be persuaded to shift their opinions by any specified amount as a result of the persuasive reading.

One of the fundamental problems in the study of distribution of public opinion would be the determination of the units of measurement that are to be used on the base line of the graphical representation. There is a logical analogy here with the steps in the educational scales that have been developed for use in measuring proficiency in handwriting and in other psychological and educational performances. It might be possible to use the principle of just noticeable differences as the unit of measurement by which the several statements that are used in the scale may be located at numerically assigned points on the scale.

7. *Study of the Relative Effectiveness of Different Methods of Propaganda.* Perhaps one of the most interesting of the larger psychological problems in the science of politics is the analysis of the methods that have proved successful in propaganda, including war propaganda, drives for benevolent causes, and the propaganda by which large corporations have successfully changed public opinion about them. The first step in such an inquiry would probably be to collect a considerable number of descriptions of successful and unsuccessful propaganda methods. The specific instances should be collected so that the material is historically accurate. A free and informal psychological analysis may then be made of the methods that seem to be successful and out of such a study there should come a number of psychological hypotheses regarding effective propaganda methods. Some of these principles might later be subjected to empirical verification by controlled experiments. Such a study would make interesting reading and it offers the opportunity for ingenuity in extracting the common psychological principles. Although such studies are not now quantitative there must first be some hypotheses or problems before any definite experimentation can be begun.

A slightly more specific study would be to analyze the propaganda by which public opinion is stirred up to war and also the rate at which the war hatred returns to a normal attitude between the two countries. The former problem is the more difficult although it can be studied qualitatively. The rate at which two warring countries return to a normal attitude toward each other after peace has been declared can be studied in a roughly quantitative way. For example, after peace is declared an analysis could be made of the number of articles or editorials, or the amount of editorial space, given to antagonistic and to friendly comment about the other nation. Such tabulations could be made for weekly or monthly periods. This would show at least roughly the rate at which the return to normal international attitudes is approached. If the shapes of these curves should prove to be similar for several modern wars some illuminating psychological generalizations might be drawn from them.

8. *Possible Significance of the Study of Modern Methods of Publicity.* It was proposed that the scientific study of propaganda might be facilitated by a consideration of the methods that are used in advertising. Since advertising has been subjected to quantitative experimental study it might be possible to transfer tentatively some of the psychological principles to the field of politics in the experimental study of propaganda.

Such a consideration of the scientific study of advertising methods might at least yield hypotheses for experimental inquiry in the field of politics. A more specific project of this kind would be the study of the methods of newspaper publicity that have been employed by successful and unsuccessful candidates for political office.

It has been suggested that the votes on constitutional amendments in some states tend to correlate with each other when presented simultaneously. If public opinion is against one of the amendments it tends to draw a negative vote on any other issue which is presented at the same time. This would seem to be a rather simple problem to analyze if the data can be provided. It would consist in obtaining the inter-correlation of the votes on several simultaneously presented amendments. If these correlations are positive and clearly above the limits of chance these indices would practically prove that pronounced public judgment on one issue may drag with it the same judgment on other issues presented at the same time even though the several issues do not necessarily have anything in common.

In an entirely different experimental setting, but involving nevertheless the same fundamental problem of conditions under which public opinion can be modified, was the suggestion that the applause in a theater be loaded at different points in the play and that the suggestiveness of the audience be studied under these conditions. It would probably be found that the audience will take the suggestion of the loaded applause more readily at some points than at others. The results might be analyzed with the purpose of discovering the psychological principles by which the points of applause might be predicted. Such principles, if experimentally verified so as to establish their universality, would be of great commercial, political, and psychological interest. These experimental findings could be compared with the practices of loading the applause and popular approval at political conventions.

9. *Study of the Methods of Stimulating Voting.* Of more immediate significance are the studies of methods for stimulating voting. In these studies the end result which is measurable is the number of people who turn out to register and to vote. The independent factors which partly determine this end result include such measurable facts as the giving of information about the time and place of registration and voting, the necessity for registration, information about absent-voting laws, information about ballots and the details of voting, mailing persuasive literature, having competitions between small areas or groups for larger registration. The results would be measured in terms of the registration and the votes.

An experimental study might be made by means of a survey to determine the relation between the intensity of people's opinions and the percentage who go to the polls.

It might be possible to study the effects of different sorts of newspaper publicity on elections. The election results might be studied in relation to such factors as amount of newspaper space for and against, number of papers for and against as well as their circulation, amount of logical and of emotional writing, and other factors. These studies would be complicated by the fact that newspapers sometimes support the candidate or the issue which in their opinion will win the election in order to enhance their own prestige. This effect would have to be ruled out in some experimental procedure before the conclusions could be of fundamental significance.

It was suggested that straw votes be taken on a selected group of individuals at intervals of three months between March and November in order to ascertain the changeability of public opinion in specified voting groups.

Professor Shephard has recently published an article on the relation between the two-party system and the coöperative forms of sports. It is suggestive of the application of scientific method to social and political phenomena.

10. *Survey of Classical and Modern Political Writers with Reference to Psychological Principles.* One of the informal and qualitative studies of great importance in the scientific work toward a psychological understanding of politics would be a careful survey of the classical and modern writers on politics with special reference to the psychological principles which they either imply or state explicitly. Such a study should include a wide range of writers and the effort should be made to state the psychological generalizations that are involved. By comparing the generalizations so derived many hypotheses would appear that could be subjected to experimental or historical inquiry to establish their validity. This topic may be suggested as especially suitable for a seminar in the psychology of politics.

11. *Various Projects for the Psychological Study of Leadership.* The subject of leadership and its psychological analysis was the second large subject considered by the round table. A sub-committee made the following recommendations regarding projects for the psychological study of leadership:

1. The analysis of political leaders of the past in order to set up a provisional list of traits that characterize them as leaders.

2. The analysis of living leaders and non leaders by means of a personality questionnaire similar to that of Professor Allport of Syracuse University.

3. The analysis of thirty living leaders of recognized prominence by means of mental and physical examinations in which should be included various psychological and physiological tests that may be regarded as having possible significance.

4. The study of the relation of leadership in the adolescent age to leadership in the adult years.

5. The study of the academic associations of men who attained leadership later in life.

6. The study of the relation between leadership in childhood and the same trait in the adolescent age.

7. Exploratory studies of an intensive order of a small group of persons in order to determine if possible the psychological and environmental factors that make a leader.

Professor Yoakum suggested the possibility of what would amount to a job analysis of the political leader. He suggested a possible study of precinct leaders by means of a questionnaire or schedule which would bring out their essential characteristics. Three types of procedure might be used in case studies, namely: (1) the large group method in which several thousand precinct leaders would be studied by a schedule designed to get extensive information; (2) the selection of a sample of leaders from different types of groups; (3) the intensive study of five or six local political leaders.

The many ideas that appeared during the conference will probably be suggestive of the lines along which the problems of political science, or small parts of them, may be isolated for objective study. The contribution of the conference consists mainly in pointing out further the lines of progress in which statistical methods and psychological methods may be applied with profit in the scientific study of politics. Even if only a few of these suggestions should lead to studies of a scientific order the conference will have been distinctly worth while.

12. *Recommendation that Courses in Statistics and Psychology be Established.* In view of the fact that the students who are now majoring in political science are preparing themselves for productive work, and since the study of statistical theory and of psychology are essential for the mastery of the working tools by which the problems of the conference may be solved, recommendations were submitted to the general conference regarding the encouragement of students of political science to study these two subjects. The recommendations were as follows:

In order to provide courses in statistics and psychology which are suitable for students of government and for students in the other social sciences, and in order to secure proper recognition for such courses, it seems wise to address a communication to three organizations which can contribute in various ways to the end in view. It is, therefore, recommended that a communication be sent to the American Political Science Association, one to the Social Science Research Council, and one to the American Psychological Association. The three formulas recommended for these three associations are as follows:

First, to the American Political Science Association,—It is recommended that suitable courses in psychology and statistics be provided and required as parts of the early and advanced training of students in government.

Second, to the Social Science Research Council,—It is recommended that suitable courses in psychology and statistics be a part of the requirement imposed upon all students who are carrying on studies in the social sciences. A consideration of the type of courses in the subjects mentioned would be a suitable topic for a special committee to be created by the Social Science Research Council. To this end it is recommended that the American Psychological Association be invited to appoint representatives to a joint committee which shall include also representatives from the various social sciences. The joint committee thus constituted shall take up in detail the content and administration of courses which may properly be recommended as fundamental to the study of all the social sciences.

Third, to the American Psychological Association,—It is recommended in view of the wide-spread demand for suitable courses in psychology and statistics to serve as the foundation for studies in the social sciences, that the American Psychological Association appoint a committee to take this matter into consideration and coöperate with representatives of the social sciences to the end that a complete definition be arrived at of the topics and method of treatment of psychology suitable for students of the social sciences.

L. L. THURSTONE.

ROUND TABLE ON POLITICAL STATISTICS

THE MEASUREMENT OF PUBLIC OPINION

The round table on political statistics at the Chicago Conference dealt with topics of a different nature from those considered by the round table on the same subject the previous year at Madison. It was impossible, therefore, for this round table to begin where its predecessor left off. While its predecessor's work was continued by the round table on municipal administration, the round table on political statistics made a fresh beginning.

1. *The Meaning of Public Opinion.* Before even a beginning could be made, it was necessary to come to some agreement concerning the meaning of terms. Some members of the round table believed that there is no such thing as public opinion; others believed in its existence but doubted their ability to define it with sufficient precision for scientific purposes. Others again, more sanguine or perhaps more credulous, believed that the term could be defined, but were of different minds concerning the kind of definition that should be adopted. To reconcile these differences, it was decided first to consider the nature of opinion in general in the hope that a common understanding of the meaning of public opinion would emerge from the discussion.

To this end each member of the round table was asked to prepare a definition of the term "opinion." From these definitions nine questions concerning the meaning of the term were derived. After further discussion, it was decided that for the purposes of the problem before this round table the essential points in a definition of opinion could be narrowed to three: (1) opinion need not be the result of a rational process; (2) it need not include an awareness of choice; and (3) it must be sufficiently clear or definite to create a disposition to act upon it under favorable circumstances.

On the question when is opinion public, the round table was unable to come to a definite conclusion. The main points of disagreement were as follows: (1) whether there is and must of necessity be a single public opinion, or whether there may be a number of public opinions upon a given question; (2) whether opinion is public because of the subject-matter to which it relates or of the kind of persons who hold it; (3) what part of the public must concur in an opinion to make it public opinion; and (4) must there be acquiescence by those who do not concur. After some discussion of these points, it was agreed that an exact definition of public opinion might not be needed until after the technical problem

of measuring the opinions of the individual members of the public had been disposed of. It was decided therefore that the round table might well proceed to consider the problem of measuring opinion, especially that relating to political matters, and avoid the use of the term public opinion, if possible.

2. *Methods of Measuring Opinion.* Twenty-three methods by which opinion might be measured were suggested for consideration. These methods were arranged under four heads and then discussed, first by four committees of the round table and afterward by the round table as a whole. The first group of methods included all those based on the study of official election returns. The second group included those utilizing fair samples of the bodies of opinion to be measured, collected deliberately but unofficially. The third group included all methods utilizing voluntary or spontaneous expressions of opinion. The fourth included those which utilize the data that may be derived from the proceedings of legislative bodies and the acts of public officers of all kinds, possessing any representative character.

3. *Direct Votes Upon Measures and Candidates.* The most comprehensive as well as the most accurate method by which opinions upon political questions are measured, is direct voting at public elections upon measures or candidates. It is the only method which has been used in such a way as to furnish records readily available for statistical analysis, and it is the only one which considers the whole adult population. However, even voting upon measures, which obviously is a more exact indication of opinion upon public questions than voting upon candidates, has certain definite limitations: For example, a categorical answer must be given to questions which are often complex, and thus a misleading simplicity is obtained. Moreover, it fails to measure the intensity of opinions, and takes no account of the opinions, if any, of those who do not vote. Two definite proposals for further study of the problems involved in this method of measuring opinion were agreed upon: (1) the supplementing of the study made by Professor Merriam and Dr. Gosnell concerning the causes of nonvoting by a somewhat similar study of the reasons for voting; and (2) the further investigation of the comparative proportions of those entitled to vote who vote at special elections upon referendum proposals, whether constitutional or statutory, and at general elections, with a view to ascertaining the amount and causes of the difference, if any, and the significance of such differences.

4. *The Questionnaire as a Method of Measuring Opinion.* The second group of methods for measuring opinion includes particularly the taking of straw votes and the use of questionnaires. Practically all the discussion of this method was devoted to the problems connected with the use of the questionnaire: The over-representation of the interested, the literate and the well-to-do, the fairness of phrasing, the possibility of plural voting, the presence or absence of discussion, the maturity of the answer, the durability of the opinions so measured, the desirability of secrecy. Considering all these difficulties, certain members of the round table endeavored to frame a model questionnaire suitable for measuring opinion on a problem of contemporary interest. It is hoped that these members will be able to carry on such experiments with this questionnaire as will more accurately determine the usefulness of this method.

5. *Propagandist Organizations and Spontaneous Expression.* The third group of methods dealt with what may be termed unsolicited or spontaneous expressions of opinions. Among these are public hearings, voluntary party enrollment, lobbying, petitions, circulation of the press, public meetings, editorials, campaign contributions, speeches of public men, private research groups, letters to the press, the behavior of crowds, and propagandist organizations. It was found that certain of these, for example, letters to the press and private research groups, are of little importance, as being at best incapable of exact measurement. Others, as campaign contributions, although they may be of more significance as a means of measuring opinion, are not yet capable of very meaningful measurement. Still others, such as public hearings and the extent of the circulation of the press, while considered to be of considerable significance and capable of more or less accurate measurement, were not considered very carefully because of lack of time. It was deemed advisable to give nearly all the available time to the consideration of propagandist organizations. Their rapidity of growth, and their distribution, while susceptible of measurement, are of varying significance.

Membership lists, if accurate, and if made public, are of considerable importance. The number and character of the activities of such organizations, whether active or quiescent, whether, for example, they have speakers' bureaus, hold public meetings, issue pamphlets, and the like, may indicate with some exactness the extent to which an organization is really an index of opinion, an index, that is, not merely of the number of persons holding certain opinions, but of the intensity with which they hold them. Closely related to these questions is that of the extent to

which the activities of propagandist organizations stimulate their members to individual expressions of opinion through public or private letters, telegrams, petitions, etc. A pattern of the nature and activities of various propagandist organizations might perhaps be worked out so that it would furnish graphically and with a fair measure of exactness an indication of the extent to which these organizations are really to be relied upon in determining the extent and intensity of opinion. The round table was unanimously of the opinion that the public should know the facts concerning the membership and finances of all organizations designed to influence opinion on public questions.

6. *The Analysis of Opinion of Official Representatives.* The fourth and last group of methods under consideration for the measurement of opinions included those dependent upon an analysis of the opinions of official representatives of the public. These methods could utilize such material as the resolutions and other public acts of legislative bodies, recommendations and veto messages of chief executives, decisions of courts and administrative tribunals on questions of public policy, and the platforms of political parties. It was decided that at present a general answer to the question, "To what extent do these acts conform to the opinions of the electorate?" is impossible. Many people believe that the chief executive more correctly speaks for his constituency than does the legislature. Yet one of the tests of the accuracy of the executive's statement of what the people desire is the reception of his recommendations by the legislative body. It seemed advisable, then, that in developing these methods, a beginning be made with the legislative branch of the government. One problem for such a method might well be the determination, if possible, of the relation between the attitude of representatives toward measures in legislative bodies and the important characteristics and interests of the communities which they represent. This would involve detailed analysis of the environmental factors of all kinds, economic, social, racial, religious, which influence the opinions of individuals, a laborious undertaking, but one promising the development of a technique which would enable the political scientist, not merely to measure opinion when duly formed, but even to prognosticate it before it is formed.

At this point in its deliberation the round table was forced to adjourn by the expiration of its time; and the members separated in the belief that a beginning had been made from which the next round table on political statistics could make substantial progress.

A. N. HOLCOMBE.

ROUND TABLE ON NOMINATING METHODS

THE DEVELOPMENT OF A TECHNIQUE FOR TESTING THE USEFULNESS
OF NOMINATING METHODS

At the close of the first National Conference on the Science of Politics in 1923, the round table on nominating methods set for itself the task of developing methods for applying the nine tests agreed upon as probably useful in judging nominating systems. To this end each test was assigned to a member of the round table for detailed consideration. For a variety of reasons studies of the following items of the program were not completed: (1) The type of candidate; (2) the effect on the party system; (3) the effect on continuity in office; (4) the effect on majority rule. The first of these was assigned to a member of the 1924 round table, Mr. Frank Paddock, for a tentative report, which was received and discussed, with the result that this test, with the other three named above, was reassigned for research during the coming year.

1. *Influence of the Press under Different Nominating Systems.* While no formal or complete report was received concerning the relative extent to which the press dominates nominations under different methods, Miss Alma Sickler presented the results of an experimental study she had made with respect to the *Indianapolis News*, reputed to be an influence in Indiana politics. Miss Sickler had examined the files of this paper over a period of nearly thirty years to discover how frequently the success or failure of candidates in primary or convention coincided with support or opposition by the *News*. A number of questions were raised concerning the methods used, the most important of which concerned the relation between the circulation of a newspaper and its influences; what evidence proved the support or opposition of candidates by a newspaper; the importance of other factors in influencing elections. In view of the enormous labor involved in making a complete study involving many newspapers over the whole country some doubt was expressed as to whether further investigation along this line would be worth while. Nevertheless the round table was unwilling to abandon the problem, and with the report as a working basis the experiment is to be carried on more extensively in Indiana (Miss Sickler), Michigan (Mr. Reed), and Pennsylvania (Mr. Salter), and the statistical problems are to be referred by the chairman to some competent person for solution.

2. *The Effect of Different Nominating Methods on Public Interest.* Miss Sickler also presented a report on the methods of determining the

effect of various nominating systems upon public interest. The report suggested that the interest to be measured is not only the interest in the nomination, but also the interest in the ensuing election, and that the evidences of interest would be the amount and character of public discussion and the amount of participation in the nominating and elective processes. In the latter, voting statistics would form the basis of comparison and account would have to be taken of such factors as the difference between rural and urban communities, partisan as contrasted with the nonpartisan situations, the existence of good transportation facilities, organized efforts to bring out the voters on election day, and the number of actual contests in the election. The amount of discussion might be judged by the number of public meetings; the amount of space in newspapers devoted to political news, political editorials, advertising, and communications from readers; the number of political clubs and political social events, etc. The report was discussed and is to be mimeographed and distributed to the members of the round table for further consideration and criticism in anticipation of next year's meeting.

3. *Relation Between Different Nominating Methods and Political Corruption.* Mr. Kirk H. Porter presented a report on the relation between political corruption and the types of nominating system. This report emphasized the difficulty of defining corruption, of comparing the forms of corruption common under the convention system with those prevalent under the primary system, of getting reliable information, and of reducing corruption to any kind of common denominator. Its general conclusion was that it would be practically impossible to formulate a scientific or objective method of studying corruption. The discussion of the report revealed a difference of opinion about accepting this conclusion, and it was finally agreed that the chairman was to make further experiments with this test in California, where a considerable amount of information on the subject is available.

4. *Effect of Different Nominating Methods upon the Character of the Campaign.* Mr. John Alley presented his views as to the effect of the direct primary upon the character of the campaign. He had not found it possible during the year to formulate a method for objective study of the effect on campaign methods of different nominating systems. The discussion of this report revealed the difficulties of treating this subject scientifically, but it was agreed that the test was perhaps an important one which should be taken under consideration at some future time.

5. *Effect of Different Nominating Methods upon the Cost of Nominations.*

Mr. Clarence A. Berdahl presented a practically complete and final report upon the methods of discovering and comparing the costs of nomination under different systems. In his report he suggested that the scope of any such investigation would include the cost not only to candidates and to party organization, but also to private individuals and organizations and to the state. He came to some conclusion regarding the time limits of campaigns and the kind of things which may be regarded as included in the term costs; indicated the kind of information necessary, the sources of such information, the methods of correcting data, the means of securing further information; and made an essay toward a bibliography of the subject. The report was discussed in detail and such questions were raised as whether registration costs should be considered as part of the cost of a primary election; whether separate studies should be made of legislative, executive and judicial nominations, or of local, state and national nominations; and whether the cost to private organizations or to the party organizations was really pertinent in comparison of various systems. The report is to be mimeographed and sent to the members of the Conference for their suggestions and it is expected that it may be perfected and made available to students before the next meeting of the Conference.

6. *Methods for Investigating the Effect of Nonpartisan Nominations and Elections.* A new venture for the round table was the consideration and criticism, at the request of Mr. J. T. Salter, of a plan for investigating the effects of nonpartisan nomination and election of officers in third-class cities in Pennsylvania. This project was somewhat outside the scope of the round table's work. However, it seemed to the members that when an investigator had a definite project and was encountering difficulties in working it out, perhaps no greater service could be performed by the Conference than to let him present his problem and secure what assistance he could from the other members.

7. *Summary of the Work of the Round Table.* The work of the round table on its various tests may be summarized as follows:

I. The type of candidate produced,—continued as an assignment to Mr. Waldo Schumacher, of Syracuse University, who is asked to present a report which may be mimeographed and distributed to the members of the group for consideration.

II. The cost of nominations,—passed the preliminary state and on the basis of Mr. Berdahl's report is to be criticised and perfected in the coming year.

III. The effect on the party system,—assigned to Mr. C. A. Berdahl, of the University of Illinois, for study and report at the next meeting.

IV. The effect on public interest,—continued as an assignment to Miss Alma Sickler, of Indianapolis, Indiana, and her preliminary report is to be mimeographed and submitted to the members for examination.

V. The effect on corruption,—offered some special difficulties and is to be experimented with as far as possible by the chairman.

VI. The effect on continuity in office,—assigned last year to Mr. J. F. Scott, of Columbia University, and is to be continued as a problem for him if he is able to undertake it.

VII. The effect on majority control,—assigned to Miss Louise Overacker, of Wilson College, for study and report at the next meeting.

VIII. The extent to which press domination is fostered,—to be studied by different members of the round table on the basis of Miss Sickler's preliminary report.

IX. The effect on campaign methods,—assigned to Mr. Kirk H. Porter, University of Iowa, for study and report at the next meeting.

8. *Recommendation of the Round Table.* The round table on nominating methods recommends that at the next conference a competent psychologist and a trained statistician be assigned to each round table. The experience this year suggests that much greater progress would have been made if some of the technical problems could have been quickly and immediately solved instead of having to be either laid aside or dealt with in an amateurish way.

The round table is under special obligation to Miss Louise Overacker who acted as secretary.

VICTOR J. WEST

ROUND TABLE ON LEGISLATION

THE DEVELOPMENT OF A METHOD FOR INVESTIGATING LEGISLATIVE LEADERSHIP

1. *Scope and Nature of the Problem.* The round table began its work with a number of negative agreements. It was first agreed that the group would not concern itself with the type, quality or motives of leadership, as these questions would involve ethical or philosophical considerations with which the members felt themselves incompetent to deal. Likewise all questions of the elements of personality, character, and conduct that go to make effective leadership possible were elimi-

nated, as falling more directly within the fields assigned to the two groups that are dealing with psychology and public opinion respectively.

An agreement was then reached that the work of the week was to be concentrated on two major problems: First, determination of methods by which the amount of effective legislative leadership (1) within the legislature, (2) by the executive, and (3) by forces outside the legislature, could be ascertained for any one session; second, to devise methods by which the influence of the different factors affecting the existence of legislative leadership could be objectively determined.

2. *Proposed Test to Determine the Existence of Effective Leadership within the Legislature.* The test of the existence of effective legislative leadership was believed to be the coöperation of the two houses and the governor to a sufficient degree to produce legislation. From this it followed that irreconciled opposition between the houses, such as would deadlock the legislature was evidence of the lack of leadership and that the enactment of relatively controversial measures was evidence of the existence of effective leadership. It was recognized that the term "relatively controversial" was indefinite, but nevertheless a necessary concept in determining the existence of leadership. It was thought that in applying this term the five following factors should be kept in mind: (1) Closeness of the vote; (2) party vote; (3) minority committee report; (4) amount of debate; (5) adoption of substantive amendments.¹

By determining the number of times (and the length of each) a legislature was deadlocked and the number of controversial measures that were enacted in a given number of sessions, it would be possible to ascertain the average amount of leadership. By comparing the amount of leadership of any particular session with the average, it would be possible to estimate what effect, if any, the factors peculiar to that particular session, but absent from the other sessions, had had upon the matter of leadership.

¹ Mr. Briggs reported the results of an examination he had made of the problem of fluctuations in legislative policy over a period of ten years in the state of Iowa. This investigation showed that in 1913 two measures were passed and later amended, in 1915 no changes were made, in 1917 there were ten changes, in 1919 no changes, in 1921 four, and in 1923 five, making a total of twenty-one changes over a period of ten years and six regular legislative sessions. The changes made were without exception, merely technical changes, usually for the purpose of correcting errors in bill drafting. The conclusion to be drawn in this instance was, therefore, that so far as this study is concerned, the results obtained were negative. An absence of leadership was not indicated although, of course, neither was the existence of leadership demonstrated.

3. *Proposed Method for Determining the Effect of Different Types of Legislative Organization upon Leadership.* It was thought that the types of organization that were worth considering in this respect were the following: (1) Term of office of members of legislature and the basis of representation; (2) joint committees; (3) steering committees; (4) sifting committees; (5) conference committees; (6) rules committee; (7) floor leader; (8) temporary chairman of the committee of the whole.

It was suggested that the following methods be pursued in determining the effect of the different types of organization upon leadership: (1) tabulate the facts regarding the establishment and development of the different types of organization; (2) in the case of committees and floor leaders tabulate the times they have been overruled by the legislature and the times they have not been; (3) check the above observations by personal observation and field work; (4) correlate the above findings with the evidence of the existence of leadership. If, for example, it is found that the system of joint committees was established at a given date, that the recommendation of the joint committee was generally followed, and if it was found that the average amount of effective leadership perceptibly increased about that time, there would be some evidence of the influence of the joint committee system upon legislative leadership. It is believed that some such process will provide an objective method of measuring the value of these various types of legislative organization as contributing to effective leadership.

The question of determining the effect of the two-party system as distinguished from the one-party system upon legislative leadership was then considered. The following study was suggested: An investigation over a period of years of party organization in several states classified as two or one-party states, the results to be correlated with the results of the study of the amount of legislative leadership in these states over the same period. Such a study should take into account such variable but vital factors as factional differences, conflicts between rural and urban constituents, and similar circumstances.

4. *Evidence as to the Existence of Executive Leadership.* There was general agreement that the evidence of executive leadership was to be found in checking up on specific legislative recommendations of the governor to see what number were enacted, what number were voted upon but defeated, and what number never received any legislative consideration. In this connection the measure should be classified into such classes as the following: (1) measures for which the governor has drafted bills; (2) measures in which the governor has made unusual executive efforts; (3) measures which the governor has only nominally

supported. An average of the number of measures of each class enacted, defeated, or ignored over a period of years would establish an average as a basis of comparison. The above agreement was reached largely upon the recommendation of Mr. Stewart who led in this discussion.

5. *Proposed Methods for Determining the Effect of Various Factors upon the Existence of Executive Leadership.* The following study of the veto was suggested: (1) Note the number of vetoes overridden; (2) note the effect of the veto on the attitude of individual members (how many voted differently after the veto than before); (3) note the peculiarities, customs and traditions of a state regarding the veto (for example, in Iowa there have been only 68 vetoes since 1868, there apparently being a strong tradition against the use of the veto). By comparing the results of the above tabulations with the average amount of executive leadership in the state over the same period of years, it will be possible to determine whether there is any striking correlation between the use of the veto power and the amount of legislative leadership. Dr. Maxson led the discussion on the veto power.

The following methods were suggested for studying the effect of party leadership: (1) determine the number of members of the governor's party who support measures specifically advocated by the governor. A distinction should be made between one and two-party states in this connection and in case of one-party states any well defined factionalism should be noted. (2) Determine where party caucus has supported the governor's program, noting how many party members followed the caucus action; (3) check party platforms and determine whether there is any correlation between the platform and the governor's measures which succeed. (It should be noted in this connection that the method of making the platform in some states is subject to the governor's domination, in which case the results would lose their significance) (4) check one-party states as against two-party states and compare the relative amounts of executive leadership.

The discussion of executive leadership through public appeal was led by Miss Rocca. The following line of investigation was recommended: (1) Check up instances where the governor has appealed to the public in behalf of legislative measures in regard to which the legislature has opposed him; (2) check up instances of a governor's appeal to defeat or elect legislative members because of their attitude toward his policy; (3) check up instances in which the governor has used the referendum to defeat, or the initiative to enact, measures in regard to which the legislature has opposed him. The data obtained by the above

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methods should then be compared with the average amount of executive leadership during the period covered, and any significant correlation noted.

6. *Proposed Methods for Determining the Existence of Extra-Legislative Leadership.* It was suggested that the following studies would throw light upon the existence of extra-legislative leadership: (1) enumerate the total number of controversial bills drafted at the instance of private organizations, noting the number of cases in which such bills were supported by an active agent upon the ground: Note also the number finally enacted; (2) compare the total number of controversial measures enacted with (a) the number of such measures drafted at the instance of private organizations, (b) the number of such measures introduced at the instance of private organizations, (c) the number of such measures actively advocated by a representative of private organizations, and (d) the number of such measures actively opposed by private organizations.

There was general doubt as to the effectiveness of any method yet conceived for measuring the effect of the press on legislation. The difficulties in the way were thought to be the following: (1) But few state issues are discussed in the papers; (2) few papers of general circulation actively support or oppose specific state issues; (3) the instances in which papers did support or oppose specific state issues would be too small in number to afford the basis of any valuable generalization. It was thought that perhaps in the initiative and referendum states the papers might pay more attention to state issues and that the basis of a study might there be laid. The method of approach might be to tabulate the bulk circulation of the papers opposing and supporting specific legislative issues and determine if there was any correlation between the bulk circulation favoring or opposing certain issues and the ultimate legislative result.

It was thought that the most effective study of voluntary organizations should take up the various methods employed by them in influencing legislative action. The following things should be investigated: (1) The use of black lists; (2) coöperation between two or more voluntary organizations; (3) types of activity carried on by lobbyists; (4) participation in either primary or election campaigns for the nomination or election of legislative members. The results of each method employed by the different organizations could be compared with the effectiveness of the organization's efforts in getting measures enacted. This would give a possible basis for estimating the effectiveness of the different methods involved.

It was thought that a valuable investigation might be made of the types of legislative organization most easily influenced by extra-legislative forces by comparing the average of extra-legislative leadership with the different types of legislative organization, and noting any significant correlations that might appear. The following types of legislative organization and procedure should be examined in this connection: (1) Limitation on number of bills introduced; (2) committee hearings; (3) lobby instructions; (4) presence or absence of other types of legislative leadership; (5) presence or absence of legislative reference libraries; (6) one-party or two-party states; (7) joint committee systems.

The director of the round table is under great obligation to Dr. H. W. Dodds who had outlined the work of the group, and who was expected to be its director, but who was prevented from attending at the last moment by a call to important governmental services. The whole group and the director in particular are also under lasting obligation to Miss Helen M. Rocca, of the department of efficiency in government of the National League of Women Voters, for her very intelligent and discriminating service as secretary of the round table. Recognition should also be made of the services of Dr. Rodney L. Mott who served efficiently as secretary on the last day of the session.

ARNOLD BENNETT HALL.

ROUND TABLE ON THE PERSONNEL PROBLEM

SCORING THE CIVIL SERVICE LAWS

1. *Scoring the Work of the Civil Service Commission.* The subject "Scoring the Work of the Civil Service Commission" was assigned to the round table on the personnel problem. The fact that this topic was the legacy of the first Conference at Madison in 1923 gives evidence that this particular round table has already achieved continuity of effort and that it is building up an experience. At the very outset, however, the 1924 members while accepting their inheritance showed a measure of independence typical of a second generation by substituting for the topic assigned a kindred subject, namely, "Scoring the Civil Service Laws." The reason for this divergence requires some explanation by way of introduction.

The Madison group of 1923 had suggested the possibility of rating the relative efficiency of civil service commissions in this country. All members were not willing to commit themselves to this hypothesis, for they knew that a scientific scoring was dependent upon the analysis of several variables which might not lend themselves to accurate measure-

ment. Nevertheless this pioneer and adventurous round table of 1923 was ready to hazard an experiment and launch upon an attempt to discover any standards of measurement that would be scientifically accurate and applicable.

The first step in the quest was to ascertain the normal or primary functions of a civil service commission. Obviously this was necessary in order to have something to rate. To this end a list of activities was prepared, derived largely from an analysis of the functions and activities of the existing civil service commissions. The aim was not to compile an exhaustive list, but rather to register the activities which a commission must perform in order to administer successfully the merit system in recruiting, and to foster improved relations between the government and its employees.¹

Assuming tentative agreement merely for the purpose of continuing the inquiry, the 1923 group next proceeded to search out the information that would be necessary to provide measurements, hoping that an analysis of the data obtained would lead to the discovery of definite evidence which might later be used to score some, if not all, of the activities. As an initial step a questionnaire was designed to test the feasibility of this method of pursuit and sent in the spring of 1924 to the civil service commissions operating in the larger municipalities of this country. Information was requested under the following heads:

I. *General Information*: (1) total number of employees on payrolls at end of year (omit seasonal); (2) total number of employees in classified service; (3) in competitive class; (4) in exempt class; (5) in labor class, if classified; (6) total payroll for classified employees.

II. *Civil Service Commission* (Staff and expenditures): (7) Number of commissioners; (8) aggregate salary; (9) salary of president; (10) total expenditures for year. *Itemized expenditures*—(11) advertising, (12) equipment (maintenance and new), (13) postage, (14) printing, (15) salaries, (16) special examiners and assistants, (17) stationery and supplies, (18) telephone and telegraph, (19) miscellaneous. *Staff examiners*—(20) number, (21) aggregate salary, (22) salary of chief examiner. *Clerks and other employees*—(23) number, (24) aggregate salary.

III. *Administrative Functions*: Duties classification—(25) Total number positions classified on basis of duties; *Salary standardization*—(26) Total number of positions compensated under standardized scale; *Examinations and appointments*—(27) Number of examinations held

¹ For list of tentative activities, see *American Political Science Review*, pp. 127-129 (Feb. 17, 1924).

(excluding labor and promotions), (28) Total number of applicants, (29) Number of examinations with three or less applicants, (30) Number of examinations given with aid of outside experts, (31) Number of examinations given with aid of department officials, (32) Average number days elapsed between date of examination and date of posting results, (33) Number of temporary or provisional appointments to permanent positions, (34) Number of provisional appointees whose employment exceeded term fixed by law, (35) Number of eligible lists with three or more names in force December 31, 1923, (36) Number of appointments to permanent positions in year. *Efficiency ratings*—(37) Number of rating periods per year, (38) Number of ratings recorded for typical rating period, (39) Number of ratings revised by or through commission. *Promotions*—(40) Number of regular examinations, (41) Number of candidates examined. *Separations*—(42) Number resigned, (43) Number removed, (44) Number laid off, (45) Number retired, (46) Number died.

IV. Judicial Functions: (47) Number of formal appeals made to commission on account of removals.

A large proportion of the municipal civil service commissions replied to this questionnaire. The facts and information thus received were tabulated by Mr. E. M. Martin, secretary of the public affairs committee of the Union League Club of Chicago and a member of the round table at Madison. So it was that this excellent piece of experimental work greeted the members of the 1924 round table and invited them to the task of appraising the data received in the light of the particular purpose in mind, namely, the creation of standards that may be used to measure accurately the work of the several commissions.

2. *Procedure of the 1924 Round Table.* The first task confronting the members of the 1924 round table was of a judicial rather than of an investigative character involving the practicability of proceeding with the methods of inquiry initiated by the Madison group. Was this method satisfactory? Did the data and information obtained from the questionnaire comprise acceptable objective evidence that could be used for rating the work of civil service commissions? These were the questions for immediate decision.

A study of the questionnaire demonstrated that the data obtained could not be used for the purpose at hand. First, it was very clear that all commissions answering had not interpreted the questions uniformly. There were differences in points of view because of the jurisdictional character of the nomenclature. This matter of interpretation, however, could perhaps be corrected by subsequent questionnaires supple-

mented by definitions and explanations which would create a common language and understanding.

Second, and more serious, it was evident that the data in many instances, while interesting for comparative purposes, could not be used as a basis for rating. For example, some commissions had a large number of examinations because there were many vacancies during the years under observations: while other commissions during the same time period had few examinations because there happened to be a scarcity of vacancies. To comprehend the reasons for these differences, one would have to analyse the employment conditions in the several cities and become involved in local business cycles and other misty economic problems, as well as in problems of tenure and employment turnover which are in themselves almost equally complicated. It was evident in greater or less degree that the information obtained under each single caption of the questionnaire presented intricate problems when viewed from the standpoint of "objective evidence" and "standards of measurement."

Third, the old question, ever present, was raised: Did the data serve to measure the success or results of the commission's work? The members of the 1924 round table were by no means certain. The quantitative information obtained might measure the magnitude of the tasks, but it was very certain that it would not measure the character or quality of the work performed.

Fourth, and most important of all, the members observed that no two civil service commissions were operating under the same laws, ordinances, rules and regulations. Even assuming that standards of measurement had miraculously been discovered it would be unfair to rate a commission zero on an activity which it had no legal right to perform or to give another commission a low rating because it happened to be limited in the method of administering this activity. Before any comparative ratings can be made justly all commissions must at least be reduced to a common denominator certifying the authority or legal right to act.

It was the lack of uniformity of laws, rather than the other objections, that led the 1924 round table to postpone the quest toward "scoring the civil service commissions" and endeavor to overcome or at least investigate other problems that were barriers to the approach. This precipitated the problem of rating the civil service laws. This seemed to constitute an essential preliminary. If it were possible to rate the laws, it might also be possible subsequently to rate the commissions on the basis of opportunity for work or service. At least lack of opportunity to perform effective work could be specifically noted.

3. *Scoring the Civil Service Laws.* The members of the round table then considered methods of discovering the minimum activities or functions which should be written into the law. Obviously these minimum activities should relate to the primary purpose of the commission, namely, the selection and certification for appointment of competent persons to fill positions placed under the jurisdiction of the commission. By way of experiment, merely to introduce a mode of procedure, the members used the deductive method of approach by discussing subjects of activities furnished by Mr. Fred Telford, of the bureau of public personnel administration. These subjects included:

I. *The Classification of Positions:* (a) jurisdiction classification, (b) duties or occupational classification.

II. *The Compensation of Employees:* (a) adoption of compensation plan, (b) administration of the compensation plan.

III. *The Selection of Employees for Entrance and Promotion:* (a) tests, (b) employment lists; (c) reemployment lists.

IV. *The Certification and Appointment of Employees to Positions in the Classified Service:* (a) certification of eligibles to permanent positions; (b) selections and appointment of certified eligibles to permanent positions; (c) provisional appointment to permanent positions; (d) temporary appointment to extra positions; (e) emergency appointments; (f) probation period.

V. *The Regulation of Employees in the Classified Service:* (a) Transfers; (b) leaves of absence; (c) service standards and ratings; (d) training; (e) demotions; (f) attendance.

VI. *The Separation of Employees from the Classified Service:* (a) lay-offs; (b) suspensions; (c) rejections on probation; (d) resignations; (e) retirements, including pension systems; (f) removals.

VII. *Miscellaneous Functions:* (a) adoption and amendment of rules and office regulations; (b) checking and certification of payrolls, (c) investigation of operation of law and rules, (d) investigation of organization and procedure of departments and institutions; (e) stimulation of interest in and coöperation in bringing about proper working conditions, (f) preparation and dissemination of literature and other material relating to personnel problems and practice.

The round table group in making arbitrary rules of procedure was not willing to write into the standard civil service law any activity on this list unless there was evidence to prove its desirability. If there was insufficient evidence the activity was to be marked uncertain or "research", with the understanding that further investigation would be

necessary before commitment to its acceptance or rejection. Discussion resulted in tentative agreements on a limited number of problems which the group felt could be accepted on the basis of available data and experience. And, as may readily be surmised, the discussion precipitated a number of subjects for reference to the research laboratories.

Without committing the round table to any agreement some of the more important subjects or propositions that were discussed are listed herewith. It will be the purpose to use these propositions for further experiments, to test their validity by registering the experiences of civil service commissions now operating under them, that is by trial and error, and to obtain objective evidence if possible. Subsequently, if a problem proves sound there may be opportunity to devise methods of evaluation.

Proposition 1—Jurisdictional Classification—Unclassified Service. The members were unable to express any general principle that should be written into a definition of the unclassified service. The alternative was to list by title the positions which should be included therein. The following was submitted by Mr. Telford who had been appointed to assemble opinions expressed in the discussions:

The unclassified service shall include all positions held by: (1) Persons in the uniformed military or naval service, (2) persons elected by the voters, (3) judges of courts, (4) teachers in the public school system (including federal, state, or city-operated colleges, universities, and normal schools), (5) one confidential secretary to the chief executive, (6) persons engaged on public work but employed by contractors, (7) persons appointed or designated to make or conduct a special inquiry, investigation, or examination, where such appointment or designation is certified by the personnel agency to be for work which cannot or should not be performed by persons holding positions in the classified services, (8) persons appointed by the chief executive, with or without the advice and consent of the elective legislative body or branch thereof, and engaged for a substantial portion of their time with the determination or definition of major policies (as opposed to expert administrative work). (The above positions, i.e., 1 to 8, are considered as "certain.") In addition there are other positions considered "conditional" which may or may not be included in the unclassified service. Local conditions and status of public opinion might be determining factors. Theoretically they belong in the classified service. These are (9) notaries public, (10) officers of election, (11) one clerk of each court, (12) two principal employees of the legislative body, (13) one confidential clerk or secretary

for each appointing authority and each judge of a court, (14) students in any educational institutions employed less than half time, (15) inmates confined in any institution and paid not to exceed ten dollars a month.

This is a sample of one proposition, or, in other words, the formulation of an hypothesis. Is it sound? What constitutes proof? In the collection and classification of facts of observation to prove or to reject the hypothesis, investigations in individual jurisdictions were suggested to answer the following questions or problems:

(1) Which of these unclassified officers exercise policy-determining powers? (This involves a definition of what constitutes policy determination.) (2) Which perform expert administrative duties? (3) Which do not perform any real duties? (4) Which have some combination of the above duties, and the relative amount of each? (5) An appraisal of the qualifications possessed by the officers—judged from the viewpoint both of the layman who determines policies and of the expert administrators?

The following problem, for instance, might be considered a sample: The selection, duties, qualifications, supervision, compensation, hours of work, and attendance of "confidential" clerks, stenographers and secretaries in the unclassified service of the city of X.

Proposition 2—The Jurisdictional Classification—Classified Service. Mr. Forrest Z. Wheeler, secretary, Minneapolis Civil Service Commission, expressed for the round table the following tentative proposition regarding the classified service:

The classified service shall comprise all positions under the jurisdiction of the civil service commission. There shall be three divisions, namely, (1) the competitive, (2) noncompetitive, and (3) labor. The *competitive* division shall comprise all positions under the jurisdiction of the commissions subject to open competitive examination either for original entrance or promotion. The noncompetitive division shall include positions to which appointments under competition are undesirable because of low content of position, unusual working conditions relating to hours, days of week, location of work, living requirements, or low compensation for restricted, part-time, or seasonal service. The *labor division* shall provide for the appointment of unskilled laborers on basis of priority of application for various grades of service after such examinations (largely of a physical nature) as the commission may prescribe. The certification, lay-off, discharge, reemployment of this group shall be under the supervision of the commission.

Among the problems of research involved are: (1) Reasons for and objections to the "exempt" or "excepted" positions as included in the classified service under many laws. (2) Analysis of positions in the noncompetitive class in any one city or state to ascertain whether or not competition would be desirable for entrance, and if not, why.

Proposition 3—The Duties or Occupational Classification. After group discussion a committee consisting of Messrs. Kingsbury and Lambie reported as follows:

All positions shall be classified into "classes" and "services." Classes shall be defined by specifications which shall indicate (1) title given to the class, (2) duties and responsibilities attached to the positions allocated to the class, (3) minimum qualifications required for the satisfactory performance of the duties in each class, and (4) whenever practical, lines of promotion. The classifying agency shall allocate all positions to classes in accordance with the specifications. Thereafter all positions shall be officially designated by title of the class to which it is allocated. The classification shall be used as a basis for determining tests for entrance, for establishing standard salary ranges and rates for each class, for budget purposes, for checking payrolls, and for developing and maintaining efficiency ratings, if used.

Research problems presented with this proposition include the determination of agency or agencies responsible (a) for preparation of the specifications, (b) for determining salary ranges and rates, (c) for allocating positions to "classes," (d) for administering the classification plan after once established. For these problems a rich field for observation is offered in the reclassification and salary standard experiments of the last fifteen years; in the controversial relationships of civil service commissions and budget bureaus; and in comparing the several types or divergencies from type of classification as found for instance in the classification for the federal government as proposed by the United States bureau of efficiency and the personnel classification board, or for the City of St. Paul as proposed by the city civil service commission.

Proposition 4—Authority of Civil Service Commissions in Recommending or Fixing Compensation of Employees in the Classified Service. The civil service commissions shall have recommendatory power in determining minimum and maximum rates in a "class."

Problems for investigation include (1) number of eligibles who refuse appointment because of low salaries, (2) turnover statistics, (3) relation of civil service commission to budget agency in matters of salary determination.

These four propositions are listed to illustrate a mode of procedure rather than to suggest their relative importance. There were other propositions considered but time did not permit the formulation of definite statements. More or less tentative agreement was reached upon propositions for selection of employees, tests, employment lists, reemployment lists, publicity, forms of records, and political activities. Members of the round table intend to continue communication with one another and develop these propositions so that they may be subjected to proof. If this method is continued it will be possible to piece together the many statements which may be suggested for incorporation in the standard civil service law and to offer them to the scrutiny and inquisition of persons interested in public personnel management. Experiences, suggestions, statistics, trials, and errors may then be recorded.

Special mention should be made of the most interesting and instructive memorandum on publicity by Miss Gena Thompson, member of the Wisconsin Civil Service Commission, and also of a talk by Mr. E. O. Griffenhagen on civil service records.

4. *Proposed Thesis Topics for Graduate Students.* At the final meeting the members of the round table recommended the following thesis subjects for graduate students in political science: (1) Types of civil service commissions; (2) Service records; (3) Books and forms for recording information and for reporting; (4) Training for the public service; (5) Vacation practice; (6) Welfare activities of a commission; (7) Development of tests for a specific class of positions, e.g., fireman, plumber, file clerk; (8) Superannuation; (9) Publicity methods; (10) Types of civil service commissions; (11) Promotion in the public service; (12) Legal status of civil servant as compared with legal status of employee in private service; (13) Ex-service man problem; (14) Employee's representation; (15) Women in the civil service; (16) Age limits for entrance.

MORRIS B. LAMBIE.

ROUND TABLE ON PUBLIC FINANCE

STATE SUPERVISION OF LOCAL FINANCE

This round table had an entirely new personnel from that at the preceding conference, and also began the consideration of a new and more definite topic, although having the benefit of general discussions at the earlier conference. The subject considered was that of state supervision of local finance, and the following paragraphs indicate the principal phases considered.

1. *General Scope of Subject.* It was agreed and recognized that the subject of state supervision of local finance included various topics, such as: Supervision over the assessment of property, taxation and other revenues, expenditures, budgets, bond issues, and indebtedness, accounting methods, and law enforcement in regard to financial operations. It was also agreed that the problem should be approached from the point of view of administration.

The question was raised as to how far the policy of state supervision and centralization over local finance is necessary or advisable, and it was agreed that this question could not be answered at the beginning of the investigation, but might be undertaken later.

2. *Types of Materials.* Some consideration was then given to the various types of materials available for the study of the subject. It was recognized that the two main groups were official and unofficial. The official materials included constitutional provisions, laws, judicial decisions, regular reports of financial officials, and special reports of legislative committees. Under unofficial materials are included private studies by individuals, reports by bureaus of research, surveys by other private agencies, and special investigations in local finance in connection with particular branches of administration.

The question was next considered as to the importance of personal and field inquiries; and it was agreed that such sources of information are necessary and valuable, but that the data collected must be subject to critical analysis, as would also be the case with the official and unofficial printed material.

The second day's session of this round table was mainly devoted to the discussion of the agencies, objects and methods of state supervision of local finance, and the outline or analysis of these topics given below was approved.

3. *Agencies of Supervision.* Governor (appointing and removal power).

State Tax Commission: Tax supervision; Accounting, expenditure, and debt.

State auditor or comptroller.

State budget officer.

Legislative reference bureau.

State University.

State departments corresponding to various activities of local government.

Detached agencies: N. J. Commissioner of Municipal Accounts.

Temporary Agencies: Special committees or commissions.

The relative merits of different types of organization should be investigated.

4. *Objects of Supervision.* Taxation and revenue: Assessment and review, Fixing tax rates, Tax collection, Miscellaneous revenue control.

Handling public moneys: Selection of treasuries and interest on balances, Handling of special funds (state and local funds), Designating disbursing officers.

Budget and expenditures: Budget control, Appropriations, Expenditure control, Contract and purchasing procedure.

Debts: Incurring debt—amounts and purposes, Forms of debt, Provisions for repaying debt.

Accounting and auditing: Accounting forms and procedure, Accounting and statistical reporting, Auditing.

Local finance organization.

5. *Methods of Supervision.*

Constitutional, statutory, and common law.

Judicial control.

Administrative supervision:

Information and advice; Compiling and distributing general data—upon request, regular, Compiling and distributing statistics, Duty to instruct, Surveys (upon request or regular), Reference to state officer for advice.

Power of approval and disapproval: As to legality, questions of fact, questions of policy (optional, on appeal, obligatory).

Power and duty to direct: To require reports of action, To visit and inspect, Adoption of forms and procedure, To require specific act, To require adoption of policies.

State assumption of particular functions: For installation (optional, obligatory), For operation (optional, on appeal, in default, obligatory).

Control of personnel:

Selection: Qualifying examinations, Appointments from nominations, Qualifying nominations, Complete appointing power.

Promotions, demotions, transfers.

Removals: To initiate proceedings, For cause, Absolute power.

Grants in aid: It was recognized that such grants are of more importance as a method of supervision in other fields than in that of public finance.

6. *Quantitative Measurement.* At the third day's session, the question was considered whether it was possible to work out a rating scale for measuring quantitatively the degree or amount of state supervision in different states. It was recognized that in a particular field, a general estimate could be made of the degree of supervision and the states ranked accordingly; as, for example, in regard to state control over local indebtedness. It was the general opinion, however, that it would be very difficult, if not impossible, to prepare a detailed rating scale for comparing the degree of supervision in all the different fields, and that in any case such a scale must be based on somewhat arbitrary figures. For these reasons, it was agreed not to undertake any such scale of quantitative measurement at present, and to continue the qualitative analysis of the problems involved in the general subject under consideration.

7. *Aims and Purposes of State Supervision.* Consideration was next given to formulating the general aims and purposes of state supervision of local finance, as a basis for determining the standards on which the value of such supervision might be judged. The discussion on this topic continued into the following day, and agreement was reached on the following statements of aims and purposes:

a. To collect and publish information and statistical data so that reliable knowledge of local conditions might be available both to the local community and the state government, on the basis of which further action might be determined.

b. To discover and prevent defalcations, fraud, and corruption, and to enforce other generally established legal requirements for honesty in public administration.

c. To enforce minimum standards of record-keeping and other financial procedure necessary for effective local government.

In addition to the above-mentioned aims, which were approved as generally advisable, the following aims were also recognized as existing to some extent, but where it was believed that the policy of extended application was one which should depend on special conditions.

d. To promote efficiency in methods of local self-government. A definition of efficiency was submitted, as follows: "To secure the same results at lower costs, or to secure more and better service with the same costs, or with less costs."

e. To control the policy of local governments, with particular reference to the better distribution of public expenditures and burdens.

In connection with the discussion of aims and purposes, it was also recognized that the various methods of supervision might be classified under certain general headings on different bases, as in the two following groups:

I. a. Supervision over the collection of state revenues. b. Supervision over the expenditure of state funds by local governments. c. Supervision to guide and restrain the local authorities.

II. a. Supervision of finance procedure. b. Supervision to enforce constitutional and statutory provisions.

8. *Standards for Judging Methods of Supervision.* Discussion of appropriate tests of standards for measuring the value of various methods of state supervision, led to acceptance of the following:

- a. Their effect on local self-government.
- b. Their effect on the complexity and burdens of state administration.
- c. The extent to which all the main objects of supervision are included.
- d. How far do they accomplish the approved aims? (7 a, b, c).
- e. How far are other aims attempted (7 d, e), and if so, to what extent are they justified by conditions and results.

9. *Standards of Budget Procedure.* On the fourth day, the round table took up for consideration the application of the general standards to some of the particular methods of supervision, beginning with the standards of budget procedure. The following steps were agreed to as the important stages in any adequate system.

a. The preparation and compilation of preliminary estimates. These should be accompanied by data of the preceding year's experience and other explanatory statements. Much of the necessary data can best be secured by personal conferences and contacts between the budget authorities and various departments, but should also be shown in the formal statements.

b. The preparation of a provisional budget with both summary and detailed statements, and definite recommendations.

c. The holding of one or more public hearings after public notice.

d. Consideration by the legislative or appropriating authority.

e. The definitive adoption of the budget, including both appropriation and tax levies, which should be accompanied by summary financial statements.

f. Provisions relating to transfers and supplemental appropriations.

Standards of procedure, it was agreed, should also be prepared for each of the other main objects of supervision, such as: Taxation and revenue, Handling of funds, Expenditure control, and The incurring and payment of debts.

10. *Standards of Financial Information.* On the fifth day the round table considered certain general requirements which it was believed should be shown by any satisfactory system of financial reports, as a basis of information about the financial condition of local governments, without, however, attempting a detailed schedule of all the items which might properly be included in the system of financial reports. The following were approved:

a. The need for a clear and definite terminology in financial accounts and reports, which was noted at the preceding conference, was again confirmed.

b. As to how far government accounts should be similar to commercial accounts, and in particular as to the placing of government accounts on an accrual basis, it was recognized that both of these were desirable, but it was also believed that practical difficulties might make these impossible at once, though adjustment should be made in the records so as to approximate as close as possible to commercial methods and the accrual basis.

c. The need was recognized for a consolidated budget and financial report, with summary and detailed statements, presenting past and preparative data. This should include:

A statement of operations for showing:

Receipts, revenue for current purposes, loans, and other nonrevenue receipts.

Expenditures, current maintenance, current debt payments, outlays from current revenues, outlays from loans.

Balances at beginning and end of year.

Comparison of operations with budget.

Statements of debt and public property.

Assessed valuation and tax rates.

It was recognized that statutory and other provisions often make necessary a record showing the financial transactions of particular funds, but it was believed that much of the detail of such records is of little

importance to the general student of financial conditions, and while the keeping of the funds accounts is necessary to comply with legal provisions, it was advisable to reduce the number so far as possible.

11. *Standards of Comparison.* Mention was made of the desirability of considering the relative merits of different bases for comparing financial and other statistical data, as for example: Per capita figures, percentages, averages, means, medians, units of work or service, etc. The time available, however, did not permit of any extended discussion or analysis of these matters.

12. *Special Problems.* Several members of the round table agreed to undertake the investigation or study of certain special problems connected with the general subject. These problems included the Indiana system of accounting and tax administration, the Iowa budget law of 1923, accounting control in Ohio, and the New Jersey law for the control of municipal accounts and budgets.

JOHN A. FAIRLIE.

ROUND TABLE ON MUNICIPAL ADMINISTRATION

DEVELOPMENT OF A METHOD OF RATING THE RELATIVE EFFICIENCY OF CITIES

1. *Nature and Scope of the Problem.* Comparisons of the costs of running the business of a municipality are often made, one city with another, or with those within some arbitrary group. In making such comparisons the usual measure is the per capita or per dollar valuation of the functions performed. Wholesale mistakes are made in such comparisons, as few compilers and interpreters know, or take into consideration, the essential differences which enter into the functionalization of municipalities. A recent comparison of park systems, in a list based solely on area, placed Chicago with its well-developed and useful system at the bottom, and Los Angeles with its undeveloped and somewhat inaccessible parks at the top.

The report of the round table of last year said: "The subject of political statistics covers a very generous field. For this reason the round table on political statistics concluded to limit its discussion to municipal statistics, as found in the group of cities ranging from 100,000 to 500,000 population. The round table had before it a rather complete statement of the activities conducted by such typical cities. Taking each activity in turn, an effort was made to indicate the minimum of statistical data necessary to give officials and citizens a reasonable idea of the degree of

effectiveness with which such activity was conducted. It is expected that the complete statement of these activities with their essential data, when properly weighed as to importance, will furnish a reasonable test as to the quality of government by any community."

"The determination of such tests is less simple than it may first appear. It is desirable to devise a single test applicable to cities of every size and location. Obviously, however, larger cities undertake activities not necessary in smaller ones. Criteria available in Detroit could not necessarily be applied to Dayton, and the absence of such criteria should not be taken as a reflection upon Dayton's government. To obviate this difficulty, the suggestion was made that tests be arranged in sufficient detail to judge even the largest communities, with provision for eliminating certain specified questions when applied to smaller places. Such a plan eventually may be evolved. In the meantime, it seems practicable to devise standards suitable for a large group of important cities; such standards to be later modified for communities of less size."

This year a round table was created to continue this study under the title "Municipal Administration: development of a method of rating relative efficiency of cities." The round table proposed to continue the study of the three fields outlined last year; first, simplified and uniform nomenclature; second, proper location and coördination of functions; third, effective criteria for degree of effectiveness of municipal functions; and, a combination of these three into a plan for a continuous service audit for the municipalities.

Its task is summed up in establishing the things to be measured, the attainable standards of each function measured, and some method of weighing objectively the results accomplished. The personnel of the section included several who have had administrative experience, several who have had considerable experience in research and interpretative work, and several who are making scientific studies in this field. Those of administrative and research experience drew upon widely varying fields of practice and attempted to mobilize their differing viewpoints. This collective interpretation (with much further criticism of the findings by others in the future) plans to establish which functions should be performed by a municipality and how these things ought to be done. The statistics gathered and published by municipalities, bureaus of research and individuals should be for the real purpose of information of both the officials and the public. They must offer in their detail and mass a constructive interpretation of the operation of the governmental unit.

2. *Methods of Statistical Measurement Now Employed.* Two good measures of the success of administration in bulk quite frequently applied are, first, the morbidity, mortality and birth rates as compared to departmental functions of health and sanitation; and, second, the costs of insurance for fire, accident, burglary, costs of hospital and doctor's bills, garage bills, private school tuition, and other citizen private bills as against the costs and performance of related municipal departments.

A variety of methods is used in making these comparisons. It is obviously impossible to make such comparisons with fairness and accuracy. Private corporations, which are profit-making in essence, are usually either poorly organized or of such high plane of detail that comparisons on the basis of population or per capita costs are of little value when extent and conditions of work are unknown. Municipal reports fail to give sufficient detail to form accurate conclusions and only by personal inspection and first-hand study can proper comparisons be drawn.

Four methods of comparisons may be used: 1. Basis of population, (per capita), 2. Basis of revenue or assessed valuation (per dollar), 3. Basis of area (per square mile), 4. Basis of results obtained (service rendered).

A study of municipal statistics will show the inequalities of such comparisons when population and area are made the ruling factors in determining municipal expenditures. A recent study has been made which measures cost per capita in its relationship to persons per policeman, fire loss, low infant mortality rate, small average water consumption, least number of inhabitants per acre of park land, greatest library circulation per volume, percentage of pavement to total street mileage, per cent of population voting. All of these relationships offer serious objections when we consider that such factors as type of population, location and configuration of city, building laws and local building problems, climate, developed and undeveloped park area, relation of suburban areas, industrial conditions, all these having considerable bearing on costs, are not taken into consideration in the above comparisons. Congestion of population on a small area and the same population on a large area, on a flat as compared with a hilly territory, on an inland as compared with a seacoast location, a climate with extreme changes as compared with an equable one, bring differing needs in streets, traffic, fire, police, lights, water and sanitation functions with varying problems, results and costs. Higher standards of living demand

more in schools, museums, parks, playgrounds, libraries, and other cultural and recreational facilities.

3. *Methods of Statistical Measurement Proposed.* The members of the round table agreed that by establishing certain attainable standards for different functions following the example of the fire underwriters, school, playground, financial, health and engineering organizations, the round table will be able to set up a measure of each of the details of administration. It finds that the fire underwriters determine the insurance rate by an examination of the location, amount and pressure of the water supply; the location and number of hydrants and alarm boxes; the type, location, effectiveness and personnel of the fire apparatus; the conditions of buildings as governed by zoning and building codes and inspections; as well as other related factors. The school examiners study the attendance in various relationships; the days of school; relation of high school to elementary pupils; percentage of boys and girls; expenditure per pupil; expenditure per teacher; types and equipment of buildings; and numerous other factors. The public health officers measure conditions leading to morbidity and mortality rates. Such conditions would include methods of control of communicable diseases; inspection of property for nuisances; personal hygiene instruction; food inspection; milk and water inspection and analysis; fly and mosquito suppression; maintenance of laboratories for examinations; and educational campaigns. In the same manner other measurable functions have their criteria for inspection. There are other functions which are extremely abstract and lend themselves less to examination and measurement. These include the operation of the legislative body; the administration of justice; and perhaps the extent of corporate power which the city has, and the type of organization under which it operates.

4. *Sample Score Cards Proposed.* The round table proposes the following incomplete general plan as a sample score card of what might, and eventually will, be developed for the city as a whole. It further presents for discussion and criticism a sample plan for the examination of the police department.

General Plan. Total weight 100.

I. Legal Organization (weight 10).

Extent of corporate power.

Areas involved.

Degree of autonomy.

Type of organization.

Methods of selection of officials.

II. Overhead departments (weight 40).

Legislative.

Administrative: Legal, Finance (Budget, Revenue, Expenditures, Bonds) Purchasing, Custody, Audit, Personnel.

Research Planning, Service Audit.

III. Functional departments (weight 50).

Safety (25): Police, Fire, Justice, Inspections, Zoning.

Health and welfare (15): Sanitation, Hospitals, Indigent, Corrections.

Education (25): Schools, Libraries, Museums.

Works and Properties (15): Streets, Sewers, Wastes.

Recreation (10): Parks, Playgrounds.

Utilities (10): Water, Light, Power, Gas, Transportation, Housing, Markets.

Police Department. Total weight 100.

Personnel, 60.

Administrative head, selection, tenure, salary, powers, 30.

Salaries, 10.

Methods of selection, probation, training, classification, promotion and demotion, efficiency ratings, removal and dismissal, transfer, retirement, 25.

Tenure, 25.

Appearance, 5.

Legal provisions, relation between powers of local and central political units, 5. Total, 100.

Plant and Equipment, 15.

Location of stations, 10.

Type of stations, 10.

Signal systems, 10.

Transportation, motorcycles, armored cars, ambulance, patrol wagon, boats, horse, 20.

Personal equipment, uniforms, revolvers, clubs, storm coats, traffic aids, 5.

Traffic control devices, 25.

Identification devices, 15.

Training equipment, gymnasias, shooting gallery, 5.

Total, 100.

Methods, 25.

Patrol, 5.

Traffic control, 20.

Detection, 20.

Identification, 10.

Records and statistics, 15.

Special detail, 10.

Coöperation with sheriff, coronor, state police, federal officers, 10.

Power to make regulations, 10.

Total, 100.

5. *Explanation and Discussion of Sample Score Cards.* The weights given to personnel, plant and equipment, and methods, would vary with different departments. As an illustration—the fire department might be 20, 60, 20 respectively, while the health department might be 20, 10, 70 respectively, as compared with the 60, 15, 25 of the police department. These, of course, are merely suggestive and may vary considerably in the other departments.

Obviously, the short time of meeting of the Conference would not allow a more detailed presentation of the suggested rating scales. A further diagnosis is being made by the members of the round table and is to be submitted to many persons in administration and research who are competent to criticise.

This report would not be complete if it did not mention the criticisms which arose in the evening discussion meeting and in the joint session with the round table on Psychology and Politics. This discussion centered around the necessity of eliminating the personal judgment factor in scoring and the adoption of positive measurable attainable criteria. The members of the section are confident that both of these conditions will be provided for in its plan. Another objection to the use of weights or values for each activity and sub-activity may have some validity. This method is used with success in many types of physical or personnel examination and would seem to apply equally well here. The round table hopes that anyone interested in these matters will write the chairman and make criticisms and suggestions that will aid in the study.

Briefly summarized, the section believed that municipal government is a business concern with property, plant, personnel, stockholders, and a product. It is a business which requires a broad judgment, a clear vision, an intimate knowledge of the needs of the entire city, and a study or measure of the ways to effect the wisest economy. This business can be wise and economical or foolish and wasteful. It may continue to operate as a political affair as in the past, or may be a real coöperative and industrial concern, achieving the greatest results at the least reasonable cost to its stockholder producers and consumers who, as the same persons, benefit by, and pay for the product. Control through

organization and centralization or responsibility has been the basis of study and improvement of the immediate past. Control through the budget, cost-accounting, comparable reporting and interpretation or service audit must be the interest of the present. Take stock of the assets, examine the needs, measure the costs, discover the leaks, root out the parasites, weigh the benefits to be derived, and our cities will be able to perform their functions to a larger degree and in a more satisfactory manner than is now deemed possible.

EDWIN A. COTTRELL.

ROUND TABLE ON INTERNATIONAL ORGANIZATION

INTERNATIONAL JUDICIAL ORGANIZATION AND PRACTICE

1. Nature and Scope of the Problem. As a result of the activities of this round table at the first session of the Conference, held in Madison in September, 1923, it had been decided that the maximum benefit to be had from a study of the general field of international organization had already been obtained, and that the table should, therefore, at this second session, deal only with the special topic of international judicial organization and practice. This would make doubly difficult that concentration of attention upon methods rather than upon the substantive questions of subject matter in this field, which is inseparable from all the activities of the Conference as a whole, but it was hoped that it would lead to beneficial results not obtainable by continued attention to the whole field of international organization.

The objects of the efforts of the table at the second session were to continue the four inquiries of the previous session (materials, observations, methods, topics, and to these were added the purpose of formulating certain tentative conclusions in point of both method and subject matter, subject, of course, to further investigation. As has been indicated, this fifth objective inevitably received greater attention than it had during the first session, where it was almost entirely neglected.

On the questions of materials and field observations desirable for scientific study in this field nothing further was done beyond the activities of 1923 except as those problems arose in connection with discussions of methods and topics. The activities of the table in 1924, therefore, were confined to: I. Further study of the applicability of methods of exact measurement to the problems under examination; II. An outline of the problems calling for investigation; and III. The formulation of certain tentative conclusions for further study.

During the weeks preceding the Conference the director made a tentative analysis of the field of study before the round table, as follows:

I. Survey of existing international judicial bodies and treaties for the creation of further such bodies and for the submission of international disputes to such bodies for settlement.

II. A study of the relative values of existing and projected international tribunals in comparison one with another and with arbitral tribunals as organized and operated in the past, with reference both to structural organization and to procedure, including particularly the extent to which arbitral decisions have: (a) involved problems of divergent systems of private law, (b) been decided by the umpires (members of the tribunals not representing the parties in dispute), and, (c) rested upon grounds of law rather than expediency.

III. A study of the means available for securing the submission of disputes to existing or projected courts in the future.

Various prospective members of the round table undertook to prepare some investigations of these sub-topics in advance of the meetings of the round table.

2. *Method of Determining Value of Arbitration.* When the Conference assembled it was decided to devote the first two meetings of the round table to a study of the relative value of arbitration as a means of providing national security and paving the way for disarmament, a question raised within recent weeks by the debates led by the British and French prime ministers, MacDonald and Herriot, in the meetings at Geneva of the Fifth Assembly of the League of Nations. The result was a suggested outline of investigations, with methods of measurement and tentative conclusions, indicated in brackets, as follows:

A. Value of arbitration as a means of providing national security.

I. The concept of national security from attack and injury.

a. As measured objectively by the scientific observer.

1. National defenses of the states of the world.

(a) Armies (personnel in officers and men in standing armies and reserves; training; equipment and materials).

(b) Navies (ships and their power and equipment; personnel).

(c) Aerial forces (same details).

(d) Industrial resources available in war.

(e) Frontiers and fortifications. [It was agreed that substantial results could probably be accomplished here in spite of difficulties in obtaining and standardizing data; that the results would probably indicate that the problem was confined, for all important significance, to

the states of Europe, the United States, and Japan, in view of the military impotence of the states of Latin America, Africa, and Asia, unless some of these powers should be led to armament increases by the prospective withdrawal of protection of great powers, a factor to be tested by a study of statements of policy by the small powers.]

2. History of aggressions in relation to defenses.

(a) Hostilities against unarmed states.

(b) Hostilities against well-armed states. [The results would probably have to be formulated without reference to the question of responsibility for the outbreak of hostilities and, while priority of military action could possibly be ascertained, this also would mean little; the results would probably indicate no correlation, negative or positive, between armaments and liability to aggression.]

b. As measured by opinion in endangered states.

1. Surveys of press, pulpit, platform, and personal opinions.

2. Surveys of national traditions in literary and forensic expressions.

3. Surveys of propagandist controls (official, semi-official, private organizations).

4. Calculations of possible turns or trends (by means indicated in 1-3 above; see also a-1, above, at end).

5. Studies of possible effects of national policies, economic, military, and foreign, in provoking aggression (diplomatic history with correlation of the indicated factors).

II. The concept of arbitration.

a. Definition to include only legal ("justiciable") questions?

1. Survey of treaties indicating cases suitable for submission in future.

2. Survey of cases submitted. [Would probably discover many cases submitted not wholly legalistic in character, if regarded as a whole, but largely capable of judicial treatment in separate aspects.]

b. Definition of causes of war.

1. Percentage of causes justiciable in character.

2. Percentage nonjusticiable. [The possibility of giving arbitral form to acts endangering national security would probably be found to be limited, due to the incomplete scope of existing international law, and a comparison of acts claimed in the past to endanger national security with acts arbitrated, would probably reveal much divergence in type, subject to the qualification under a-2 above.]

c. Effect of general obligatory arbitration clause.

1. Notation of exceptions named.

2. Study of cases submitted under such clauses in past. [Would probably find little or no data under c-2; might find certain exceptions (c-1) or none; in former case, and bearing in mind tentative conclusions under a and b, above, would discover that arbitration alone, without some method of treatment for wholly political questions (mediation or conciliation) would probably be inadequate to the end in view; and that this would also be true if any exceptions were made to the general obligatory arbitration clause.]

d. Cases still subject to diplomatic negotiation.

1. Past practice (treaties for submission and cases submitted). [Would probably find universal stipulation that (only) cases "which diplomacy has failed to settle" are suitable for submission, but that all cases submitted were at the time still subject to negotiation.]

2. Effect of obligatory clause.

(a) Terms of clause (exception for disputes still capable of settlement by negotiation?). [Would probably find no data under 2-b but would find that effect of clause would probably be possibility of bringing into court cases still susceptible of negotiation.]

III. Enforcement of arbitration.

a. Of submission.

1. Cases of submission and of refusal to submit in accord with treaties.

2. Means of compelling submission.

(a) In national judicial proceedings.

(b) In international practice. [Would probably find little data under a-1; would find method of hearing at instance of one party even in absence of second, under a-2-(a), but little under a-2-(b).]

b. Of awards.

1. Awards rejected in past.

(a) For errors in substance.

(b) For errors in procedure (*ultra vires* action, fraud, coercion). [Would probably find little or nothing under (a) and very few cases under (b), mainly cases of rejection for action in excess of jurisdiction.]

2. Effect of adoption of obligatory arbitration clause.

(a) Acceptance or rejection of awards in cases submitted in past as in III-a-1, above.

(b) Acquiescence of states in decisions by prize and other courts of other states in absence of special and contemporary agreement of submission. [Would probably find little data under (a) but much under (b); might calculate probable willingness to submit cases and

respect awards under obligatory clause by comparing results under III-a and b; but would probably find, in view of results under I-b and II, above, that endangered states would demand more than mere agreement for obligatory arbitration as guarantee of national security.]

The members of the round table then turned to the main topic of the session.

3. Outline of Suggested Methods, Problems and Tentative Conclusions.

The results of the discussions of the remaining meetings of the round table, also cast in the form of an outline of methods and probable conclusions, follow:

B. Present and Future Organization and practice of international judicial settlement.

I. Existing tribunals, including tribunals for the creation of which, in certain eventualities, agreements have already been made, and treaties for the submission of disputes to such tribunals.

a. Existing and projected tribunals (an international tribunal was defined tentatively as a tribunal created by international authority for decision of cases involving the rights of states or their nationals under international law).

1. Permanent Court of International Justice (League).
2. Permanent Court of Arbitration (Hague).
3. Central American Court of Justice (reestablished).
4. Tribunals created by peace treaties of 1919-1920 (ten or more).
5. Mixed commissions created in the post-war period (five or more).
6. Capitulatory courts in China, Egypt, etc.
7. Tribunals operating within international administrative unions.
8. Bilateral arbitral tribunals provided for certain emergencies.

[It would probably be found that about fifty international tribunals are in actual existence, with over one hundred provided for in event of certain emergencies.]

b. Treaties for submission of disputes.

1. Covenant of the League of Nations.
2. Convention for the Pacific Settlement of International Disputes (Hague).
3. Convention of the Central American Court.
4. Treaties of 1919-1920.
5. Special bilateral treaties.
6. Common international law and treaties relating to jurisdiction of capitulatory courts.

7. International administrative union conventions. [It would probably be found that there exist several hundred bi-national obligations for the submission of disputes, few of which are so definite and inclusive as not to be open to evasion.]

II. Relative values of courts.

a. By reference to possibility of reference in place of negotiation (see A-II-d, above).

1. Domination of great powers in negotiations with smaller (as revealed by checking results of negotiations against fixed policies of parties).

2. Dilatory tactics in submission and trial (see also A-III-a-1).

3. Cases of resort to arbitration to escape diplomatic humiliation.

b. By reference to number of umpires (see also B-II-k, below).

1. Frequency of choices of judges by nondisputants.

2. Surveys of diplomatic utterances in connection with negotiation of treaties and submission of cases.

3. Actual influence of umpires (see B-II-k, below).

c. By reference to types of judges.

1. Types of judges in various courts (diplomats, jurists, etc.).

2. Evidences of satisfaction or discontent with same.

d. Panel versus permanent bench courts.

1. Variations in types of judges in past (see B-II-e).

2. Delay.

(a) In taking up cases.

(1) Crowded dockets (claims courts).

(2) Elaborate preliminary steps (panel courts).

(b) In deciding cases.

(1) Burden of work in court (claims courts).

(2) Bad procedure (panel courts).

e. Connections with administrative bodies.

1. Influence of League on functioning of League Court.

(a) Influence of League in action by Court in taking jurisdiction of cases brought to it, or vice versa.

(b) Influence of League or members on opinions rendered by court.

2. Influence of administrative unions on their tribunals (as under 1-(a) and (b)).

f. Terms of judges.

1. Survey of facts.

2. Repeated elections of same individuals under panel system; facts and significance.

3. Detachment (judicial attitude) of panel and permanent bench courts in particular cases.

4. Effect of experience of judges on knowledge of law and arbitral procedure.

5. Experiences of national courts, claims courts, and international administrative union courts under these heads.

g. Regional versus world courts.

1. Evidences of regional law in decisions of regional courts (Central America; Chinese).

2. Evidences of Continental antipathy toward Anglo-American influence in world courts.

3. Corrections of former by representation of regions on world courts.

h. Accessibility.

1. Legal.

(a) Relative accessibility of bi-lateral, regional, Hague, and League courts to signatories and others.

(b) Relation to B-II-g.

2. Physical; influence of distance and expense.

i. Procedural difficulties.

1. Comparison of existing courts.

(a) Convention code of procedure.

(b) Compromise code of procedure.

(c) Rules fixed by court.

(d) Actual differences in rules.

2. Difficulties in the past.

(a) Over-rigidity.

(b) Indefiniteness.

(c) Concrete difficulties.

j. Part played by private law in international adjudication.

1. As measured by references to same in awards.

2. References to same in pleadings.

3. Importance of same.

(a) Conflicts settled by rules of jurisdiction.

(b) Assistance of rules of general jurisprudence.

(c) Help of counsel briefs and pleadings.

k. Part played by umpires.

1. Definition.

(a) Choice of nonnational by party to the dispute.

(b) Choice of nonnational by agreement of both parties.

(c) Choice of nonnational by nonparty at request of parties.

2. Decisions by umpires. [It was found that in fourteen cases decided by the Hague Court there had been only one case of dissent by a national representative on a tribunal.]

1. Decisions compromises or not?

1. Numbers of distinct points in cases.

2. Decision of different points clear but for different parties.

3. Dependence of this point on soundness or unsoundness of decision in mind of student.

m. Relation of arbitration to law.

1. Points of law and fact.

(a) Points of fact.

(b) Points of law.

(c) Legal facts.

2. Control of agreements for submission, general and special.

3. Performance.

(a) Meaning.

(1) Result in accord with law.

(2) Decision made purposely by law.

(b) Indicia.

(1) Citation of treaties.

(2) Citation of precedents.

(3) Citation of treatises.

(4) Language of court.

(5) Actually in accord with preëxisting law.

(6) Collateral evidences of fraud, coercion, etc. [It was ascertained out of forty points involved in the fourteen Hague cases there were thirty points of law, and that all were decided according to law in the eyes of the court.]

III. Securing submission of cases.

PITMAN B. POTTER.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

University of Wisconsin

Professor R. T. Crane, of the University of Michigan, is spending his sabbatical year in research and writing in California. He will give courses in the summer quarter at Stanford University on political parties and American political theory.

Judge Edmund C. Mower, professor of law and government at the University of Vermont, will give courses in constitutional law and European governments at the summer session of Northwestern University.

Professor P. Orman Ray, of Northwestern University, will give courses in American national government, and political parties and politics at the summer session of the University of Southern California.

Professor Graham H. Stuart has returned to his work at Stanford University after a six-months' study of the government of Peru for the Carnegie Institution.

Mr. Glenn E. Hoover, who holds a doctor's degree from the University of Strasbourg, has been appointed assistant professor of economics and political science in the University of Oregon.

Professor John P. Comer, of Southern Methodist University, Dallas, Texas, has resigned to accept an assistant professorship of government at Williams College.

Professor Pitman B. Potter, after a semester's leave of absence in Europe, has resumed teaching at the University of Wisconsin.

The department of political science and sociology at the University of Nebraska has been divided and a separate department of political science established.

Professor James W. Garner, of the University of Illinois, has been honored by the French government, as a chevalier in the Legion of Honor.

Governor Pierce, of Oregon, has appointed a committee to formulate a plan for the reorganization of the state administration, to be submitted to this winter's session of the legislature.

The California Academy of Social Sciences held its annual meeting at Berkeley on December 19-20.

The University of Chicago announces the second Institute under the Norman Wait Harris Memorial Foundation to continue from June 30 to July 24, 1925. Problems of the Far East will be considered, and lecturers from Japan, China, and Australia are expected. The Institute will consist of public lectures and round table conferences; and at the same time the University summer session will offer courses on subjects related to the Far East. Representatives of several of the departments at Washington are planning to attend. Each Institute of the Harris Foundation will concentrate on some one international problem, the small states of Europe having been proposed for 1926. Correspondence relating to the Institute may be addressed to Professor Quincy Wright, University of Chicago.

The Social Science Research Council met in Chicago, November 29. The principal business was the consideration of the report of the Committee on Research Fellowships, under the chairmanship of Professor A. B. Hall. This report, which was adopted by the Council, contained detailed provision for the organization of the machinery of fellowship awards. Reports were received also covering the work of the committee on Scientific Aspects of Human Migration, Miss Edith Abbott, Chairman; and from the committee on International News and Communication, Walter S. Rogers, Chairman. Other committees reporting were those on abstracts of social science periodical literature, Professor F. S. Chapin, Chairman, and on the printing of an annual digest and index of state session laws, Professor J. P. Chamberlain,

Chairman. The report of the committee on human migration contained, among other projects of research, a plan for an investigation of immigration laws and their administration in the United States and Canada, formulated by Professors J. A. Fairlie and F. A. Ogg.

At another meeting of the Social Science Research Council, held in Chicago, December 31, 1924, announcement was made of a series of research fellowships in the social sciences, provided by the Laura Spelman Rockefeller Memorial. These will be awarded on the recommendation of a committee consisting of Wesley C. Mitchell of Columbia University, chairman, Charles E. Merriam of the University of Chicago, and F. Stuart Chapin of the University of Minnesota, secretary. Applications should be made to the secretary of the committee not later than March 1, 1925, and fellowships will be awarded on or about May 1.

Annual Meeting. The twentieth annual meeting of the American Political Science Association was held at Washington, D. C., December 29-31, 1924. The registration was 136, and the number of members actually in attendance was probably not less than 160. Attendance at the various sessions was, without exception, excellent. Departing from custom, the Association met apart from both the American Historical Association and the American Economic Association. The American Association for the Advancement of Science, the American Psychological Association, and the American Association of University Professors, were, however, in session in Washington during the same period, and a joint session was held with the Psychological Association, and another with Section K of the Association for the Advancement of Science. A smoker was tendered the members of the Association by the Robert Brookings Graduate School of Economics and Government, whose courtesy in this respect, and in other important ways, was heartily appreciated. By way of experiment, the three forenoons were given over to meetings of round tables, and the plan proved so successful that it is likely to be continued in future years. All in all, the meeting was considered one of the best in the history of the Association.

The formal program, as carried out, was as follows:¹

¹ Several of the papers, and also synopses of the work of the round tables, will be printed in the *Review*.

MONDAY, DECEMBER 29

9:30 a.m. Meeting of the Executive Council and Board of Editors.

10:00 a.m. Round Table Meetings. 1. Politics and Psychology, L. L. Thurstone, University of Chicago, director. Formulation of research problems in the science of politics involving psychological factors. The object is to outline the methods that may prove suitable for investigating one or more problems of common interest to the sciences of politics and psychology. 2. Comparative Government, Walter J. Shepard, Robert Brookings Graduate School of Economics and Government, director. A survey of significant events and of recent progress made by foreign scholars in this field; an intensive discussion of the results of the various systems of proportional representation. 3. Public Administration, W. F. Willoughby, Institute for Government Research, director. The general problem of overhead control, including (among other topics) central organs of general administrative control, central control of personnel, central control of financial affairs, central administrative control in the judicial branch, and central control of purchasing. 4. International Affairs, E. D. Dickinson, University of Michigan Law School, director. Recent contributions, research and teaching methods, and intensive discussion of the topic "Participation by the United States in International Coöperation." 5. Political Parties, Raymond Moley, Columbia University, director. The nature and implications of party responsibility. 6. Political Statistics, Arthur N. Holcombe, Harvard University, director. A continuation of the discussion of the round table on this subject at the Second National Conference on the Science of Politics.

12:30 p.m. Subscription Luncheon. Presiding officer: Ellery C. Stowell, The American University. The Modernization of International Law, George Grafton Wilson, Harvard University. Discussion by Charles G. Fenwick, Bryn Mawr College, and others.

3:00 p.m. Public Personnel Administration. Presiding officer: Honorable W. G. Deming, President of the United States Civil Service Commission. The Dark Side of Municipal Civil Service, Harry G. Marsh, Secretary of the National Civil Service Reform League. The Function of the Personnel Agency in the Public Service, Oliver C. Short, Secretary of the State Employment Commission of Maryland. Research in the Technique of Testing, L. J. O'Rourke, Director of Research Division, United States Civil Service Commission. The Status of the Civil Servant in the Modern State, Herman Finer, London School of Economics and Political Science.

8:00 p.m. International Relations. Presiding officer: Honorable David Jayne Hill, Washington, D. C. British Policy and the Balance of Power, The Right Honorable Sir Esme Howard, K. C. B., Ambassador of Great Britain to the United States. Limitations upon National Sovereignty in International Relations, James W. Garner, University of Illinois, President of the American Political Science Association.

TUESDAY, DECEMBER 30

10:00 a.m. Round Tables, as on preceding day.

12:00 p.m. Subscription Luncheon. Presiding officer: Jeremiah S. Young, University of Minnesota. The Second National Conference on the Science of Politics, Arnold B. Hall, University of Wisconsin (read by V. J. West, Stanford University). Report of the Committee on Political Research. Charles E. Merriam, University of Chicago.

2:00 p.m. The Psychological Basis of Conservatism and Radicalism. (Joint Session with the American Psychological Association. Presiding officer: Robert S. Woodworth, Columbia University. Intellectual and Emotional Factors in Radicalism, Henry T. Moore, Dartmouth College. The Doctrine of Power and the Conflict of Parties, George E. G. Catlin, Cornell University. The Measurement and Motivation of Atypical Opinion in a Certain Group, Floyd H. Allport, Syracuse University.

4:30 p.m. Annual Business Meeting of the Association. Presiding officer: James W. Garner, University of Illinois. Annual Report of the Secretary-Treasurer and the Managing Editor of the American Political Science Review. Reports of standing and special committees. Election of officers for 1925.

8:00 p.m. Some Phases of Public Law. Presiding officer: James W. Garner, University of Illinois. The State and the Nation: Constitution vs. Constitutional Theory, Edward S. Corwin, Princeton University. Discussion by Thomas Reed Powell, Columbia University. Minority Decisions and the Supreme Court, Charles Warren, Washington, D. C.

WEDNESDAY, DECEMBER 31

10:00 a.m. Round Tables, as on previous days.

11:30 a.m. General Session. Presiding officer: Quincy Wright, University of Chicago. Impediments to Historical Science. Albert F. Pollard, University College, University of London.

12:30 p.m. Subscription Luncheon. Presiding officer: Benjamin

F. Shambaugh, University of Iowa. The Elections of 1924, Arthur N. Holcombe, Harvard University. Discussion by Arthur W. Macmahon, Columbia University, and Albert Bushnell Hart, Harvard University.

3:00 p.m. Trade, Administration, and Population. (Joint Session with Section K, American Association for the Advancement of Science.) Some Phases of British Administrative Legislation, John A. Fairlie, University of Illinois. The Ethics of Trade Organization, George Frederick, Business Bourse, New York City. Analysis of the Trend of Our Foreign Trade, H. C. Campbell, Acting Chief, Division of Research, U. S. Department of Commerce. Population Problems of South America, William A. Reid, Pan American Union, Washington, D. C.

The executive council and board of editors held an extended session on the opening day of the meeting, and the annual business meeting of the Association was held on the afternoon of the second day. The report of the Secretary-Treasurer on the membership and finances of the Association may be summarized as follows:

I. Membership

Accessions during the year.....	180
Resignations and cancellations.....	127
Net gain in membership.....	53
Number of members paying annual dues.....	1469
Number of life members.....	52
Total membership.....	1521

Various methods employed to obtain new members were described, and the hope was expressed that members generally will see that persons who would be likely to be interested in the work of the Association are invited to join, or, at all events, that their names are reported to the Secretary of the Association.

II. Finances

1. Balance, December 15, 1923.....	\$609.71
2. Receipts, December 15, 1923 to December 15, 1924	
Dues for 1922 and 1923.....	\$238.00
Dues for 1924.....	4352.90
Dues for 1925 and 1926.....	816.40
Voluntary contributions for the support of the	
<i>Review</i>	633.00
Sale of publications.....	208.45
Advertising.....	290.00
Royalties.....	6.70

Payment by National Conference on the Science of Politics for publication of report and reprints	277.15	
Total receipts.....		6848.60
Total balance and receipts.....		\$7458.31
3. Disbursements		
Bills paid for 1923.....	\$114.81	
Williams & Wilkins Co. Baltimore (printing and distributing the <i>Review</i>).....	4950.73	
Clerical and stenographic assistance, office of secretary-treasurer.....	380.60	
Clerical and stenographic assistance, office of managing editor.....	465.00	
Expenses of book review editor.....	13.47	
Postage, office of secretary-treasurer.....	145.00	
Stationery and printing.....	256.65	
Expense of program committee.....	51.03	
Preparation of legislative notes.....	50.00	
Dues to American Council of Learned Societies.....	75.00	
Filing cabinet.....	19.95	
Miscellaneous.....	38.74	
Total disbursements.....		\$6561.98
Balance December 15, 1924.....		896.33
4. Trust fund		
City of Madison, Wis., 5½ per cent special street improvement bonds, purchased February 11, 1924, due April 1, 1928, @ \$101.00 and accrued interest, total cost \$1278.38, par value.....	\$1200.00	
Balance deposited after buying bonds.....	70.96	
Interest deposited 12/15/24.....	66.00	
Receipts from life members during 1924.....	105.00	
Total (without accrued interest on bonds).....		\$1441.96

Estimates were presented for the year 1925, showing balance and probable receipts aggregating \$8329; disbursements (including a ten per cent increase of expenditure on the *Review*) aggregating \$7063; and a balance December 15, 1925, of \$1266.

The treasurer's accounts were audited by a committee consisting of Professors V. J. West and B. F. Shambaugh, and were reported complete and correct. On recommendation of the executive council, it was voted that the practice of billing members for five dollars, with explanation that payment of the additional dollar for the support of the *Review* is optional but desirable, should be continued in 1925.

Through Professor W. B. Munro (in the absence of the chairman, Professor P. O. Ray), the committee on instruction presented a report on state legislation requiring the teaching of the constitution, or American government and ideals, and submitted with it a draft of a model

law on this subject. The report was ordered to be printed for consideration by the members of the Association.²

The American Council of Learned Societies Devoted to Humanistic Studies, having been incorporated under the laws of the District of Columbia, asked the constituent societies to ratify a revised constitution, differing in minor ways only from the original instrument. The request was complied with by the Political Science Association. It was announced that the American Council is now in a position to proceed with several important projects—in particular, the preparation of a twenty-volume Dictionary of American Biography, made financially possible by a subvention of a half-million dollars recently tendered by the New York Times Company. The preparation and publication of the Dictionary will be under the immediate direction of a committee composed of four representatives of the American Council of Learned Societies, two appointees of the New York Times Company, and a managing editor to be chosen by these six persons.

Another interesting announcement was made by the Association's representatives in the Social Science Research Council, to the effect that the Laura Spelman Rockefeller Memorial has agreed to provide a substantial sum of money to be used, beginning in 1925-26, for research fellowships of an advanced character in the field of the social sciences.

In view of the improved financial condition of the Association and the continued pressure for space in the *Review*, the managing editor was authorized to permit the issues in 1925 to attain an average, if necessary, of as much as 240 pages.

Officers for 1925 were elected as follows: President, Charles E. Merriam, University of Chicago; First Vice-President, A. R. Hatton, Western Reserve University; Second Vice-President, Raymond L. Moley, Columbia University; Third Vice-President, Charles G. Haines, University of Texas; Secretary-Treasurer, Frederic A. Ogg, University of Wisconsin. Newly elected members of the Executive Council for the term ending in 1927 are: F. G. Bates, Indiana University; John Dickinson, Harvard University; Luther H. Gulick, New York City; F. A. Middlebush, University of Missouri; and Bruce Williams, University of Virginia. On the Board of Editors, Edward S. Corwin is succeeded by Victor J. West.

The place of meeting of the Association in 1925 was left to decision of the Executive Council. Announcement will be made in the May issue of the *Review*.

² Copies may be secured on application to the Secretary of the Association or the chairman of the committee, Professor P. O. Ray, Northwestern University, Evanston, Ill.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY FREDERIC A. OGG

University of Wisconsin

AMERICAN GOVERNMENT AND PUBLIC LAW

- T. Bardizian*, A.B., Chicago, 1919; A.M., *ibid.*, 1921. The Recent Immigration Policy of the United States. *California*.
- Orval Bennett*, A.B., Indiana, 1915; A.M., *ibid.*, 1917. The Federal Trade Commission. *Brookings Graduate School*.
- Forrest R. Black*, A.B., Wisconsin, 1916; A.M., Colorado, 1919; LL.B., Ohio State, 1920. The War Power and the Need of Constitutional Clarification. *Brookings Graduate School*.
- Earl C. Campbell*, A.B., California, 1923; A.M., *ibid.*, 1924. The Direct Primary in California. *California*.
- Daniel B. Carroll*, A.B., Illinois, 1915. The Unicameral Legislature in Vermont. *Wisconsin*.
- J. G. Cerwin*, A.B., Dartmouth, 1919; A.M., Columbia, 1920. Federal Water Power Legislation. *Columbia*.
- Esther W. Cole*, A.B., Peru Teachers' College, 1924. Legislative Commissions of Inquiry and Investigation. *Nebraska*.
- J. P. Comer*, A.B., Trinity, 1907; A.M., Columbia, 1915; The Legislative Functions of Federal Administrative Authorities. *Columbia*.
- Edith Dobie*, A.B., Syracuse, 1914; A.M., Chicago, 1922. The Political Career of Stephen M. White. *Stanford*.
- Elmo C. Dopkins*, A.B., Wisconsin, 1920; A.M., *ibid.*, 1921. Influence of Party Platforms on National Legislation. *Wisconsin*.
- E. J. Eberling*, A.B., Syracuse, 1918; A.M., *ibid.*, 1920. Legislative Investigating Committees of New York State. *Columbia*.
- William H. Edwards*, A.B., Ohio State, 1923. State Reorganization in Minnesota. *Brookings Graduate School*.
- Susan Elrick*, Ph.B., Chicago, 1923. Administrative Regulations. *Chicago*.
- Carl H. Erbe*, A.B., Iowa State Teachers' College, 1920; A.M., University of Iowa. Studies in the Constitution of Iowa. *Iowa*.
- Russel H. Ewing*, A.B., Minnesota, 1923; A.M., Columbia, 1924. The Limits of Judicial Discretion. *Minnesota*.

¹ Similar lists have been printed in the *Review* as follows: IV, 420 (1910); V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922).

- Charles Fairman, A.B., Illinois, 1918; A.M., *ibid.*, 1920. The Law of Martial Rule and of the Use of Troops in the Aid of Civil Authorities. *Harvard*.
- F. S. Fitzpatrick, A.B., Trinity (Conn.), 1914. Business Men's Associations and Politics. *Columbia*.
- George B. Galloway, A.B., Wesleyan, 1920; A.M., Washington University, 1924. The Investigative Function of Congress as a Means of Control. *Brookings Graduate School*.
- R. L. Garis, A.B., Virginia; A.M., *ibid.* America's Immigration Policy. *Columbia*.
- John J. George, Jr., A.B., Washington and Lee, 1920; A.M., Chicago, 1922. Reorganization of State Administration in Ohio. *Wisconsin*.
- William B. Graves, A.M., Cornell, 1921. Distribution of Power between Central and Field Authorities in Federal Administration. *Pennsylvania*.
- John G. Heinberg, A.B., Washington University, 1923; A.M., *ibid.*, 1924. The History and Theory of Majority Rule. *Brookings Graduate School*.
- E. A. Helms, A.B., Illinois, 1922; A.M., *ibid.*, 1923. The Eighteenth Amendment. *Illinois*.
- A. V. Johnston, A.B., Augustana College, 1911; A.M., Minnesota, 1915. The Constitutional and Legal Aspects of Prohibition. *Minnesota*.
- John C. Jones, A.B., Transylvania, 1911. The Tendency Towards Centralization of the American Federal Government. *Brookings Graduate School*.
- Dexter M. Keezer, A.M., Cornell, 1923. The Place of the Supreme Court in the Economic Order. *Brookings Graduate School*.
- Horace J. Knowlton, A.B., Utah, 1921; LL.B., *ibid.*, 1923. The Office of Attorney General. *Chicago*.
- Nelson C. Lang, A.B., California, 1921. The Federal Corrupt Practices Acts. *California*.
- C. G. Langeluttig, A.B., Johns Hopkins, 1922. The United States Department of Justice. *Johns Hopkins*.
- Frank J. Laube, B.L., Wisconsin, 1899; A.M., *ibid.*, 1913. Relations of State to Local Government in Washington. *Chicago*.
- J. H. Leek, A.B., Millikin; A.M., Illinois. The State Legislative Reference Bureau; a Comparative Study. *Pennsylvania*.
- K. D. Leigh, A.B., Bowdoin, 1914; A.M., Columbia, 1915. Federal Public Health Administration in the United States. *Columbia*.
- Buel Leopard, B.S., Missouri, 1917; A.M., *ibid.*, 1919. The Government and Politics of the State of Missouri. *Brookings Graduate School*.
- H. H. Lou, A.B., Peking University, 1922; A.M., Columbia, 1923. Juvenile Courts in the United States. *Columbia*.
- K. D. Lum, A.B., University of Hawaii, 1922; A.M., Columbia, 1923. Evolution of Government in Hawaii. *Columbia*.
- Ada McCowan, A.B., Reed College, 1915; A.M., Columbia, 1921. Conference Committees in Congress. *Columbia*.
- Harry Moore, A.B., Reed College, 1917; A.M., George Washington, 1923. The Socialization of Medicine. *Brookings Graduate School*.
- Oliver E. Norton, A.B., College of the Pacific, 1921. The Direct Primary in California. *Stanford*.
- P. H. Odegard, A.B., University of Washington, 1922; A.M., *ibid.*, 1923. The Anti-Saloon League. *Columbia*.

- Marie O'Donell, A.B., Trinity, 1919; A.M., Columbia, 1921. The Senate Committee on Foreign Relations. *Columbia*.
- Constantine M. Panunzio, A.B., Wesleyan, 1911; A.M., *ibid.*, 1912. The Passing of Immigrants' America. *Brookings Graduate School*.
- J. E. Pate, A.B., Louisiana, 1916; A.M., Wake Forest, 1917; A.M., Virginia, 1921. The Legislature of Virginia; its Organization and Procedure. *Johns Hopkins*.
- Roy V. Peel, A.B., Augustana College, 1920; A.M., Chicago, 1923. Blaine as a Political Leader. *Chicago*.
- J. K. Pollock, A.B., Michigan, 1920; A.M., *ibid.*, 1921. Party Finance. *Harvard*.
- Pearl L. Robertson, Ph.B., Chicago, 1923. Grover Cleveland as a Political Leader. *Chicago*.
- Vedasto J. Samonte, A.B., Iowa, 1922; A. M., *ibid.*, 1923. The American System of Colonial Administration. *Iowa*.
- Fred D. Shelton, A.B., Drury, 1916. The Influence of Group Organization on the American System of Representative Government. *Brookings Graduate School*.
- Hazen D. Smith, A.B., Nebraska, 1923. The Power of Pardon and Parole in the United States. *Nebraska*.
- Margaret Spahr, A.B., Smith, 1914; A.M., Columbia, 1919. Economic Theories in Supreme Court Tax Decisions. *Columbia*.
- Harold H. Sprout, A.B., Oberlin, 1923. The Judicial Determination of Facts that are Material to Questions of Constitutional Validity. *Wisconsin*.
- Marrietta Stevenson, A.M., Chicago, 1920. Bryan as a Political Leader. *Chicago*.
- Frank M. Stewart, A.B., Texas, 1915; A.M., *ibid.*, 1917. Highway Administration, with Special Reference to Texas. *Chicago*.
- Roger J. Traynor, A.B., California, 1923; A.M., *ibid.*, 1924. The Amending System of the United States Constitution. *California*.
- H. A. Van Dom, A.B., Grinnell, 1918; A.M., Columbia, 1920. Government Owned Corporations. *Columbia*.
- F. West, A.B., Ohio Wesleyan, 1918; A.M., *ibid.*, 1919. The Political Power of the President.
- E. C. Wynne, LL.B., California, 1911; A.B., Harvard, 1917. The Legal Status of Radio. *Harvard*.

MUNICIPAL AND LOCAL GOVERNMENT

- Norman W. Beck, A.B., Chicago, 1923. Municipal Reporting. *Chicago*.
- Mildred C. Dispensa, Ph.B., Chicago, 1918. The Inspection Service of the City of Chicago. *Chicago*.
- C. F. Huo, A.B., Michigan, 1924. Expansion of Municipal Activities during the Last Quarter Century. *Harvard*.
- Chun Gi Kwei, A.B., Ohio Wesleyan, 1922; A.M., Columbia, 1923. The Growth, Purposes, and Control of Municipal Debts. *New York University*.
- Bryce E. Lehman, A.B., Minnesota, 1923; A.M., *ibid.*, 1924. City and County Consolidation. *Minnesota*.
- C. W. MacKenzie, A.B., Dartmouth, 1920; A.M., Columbia, 1921. Tendencies in the New Hampshire Town Meeting. *Columbia*.

- George H. McCaffrey, A.B., Harvard, 1912; A.M., *ibid.*, 1913. The Projected Consolidation of Cities and Towns in the Boston Metropolitan District. *Harvard.*
- James R. McVicker, A.B., Iowa, 1911; A.M., *ibid.*, 1912. A Study of the Administration of Justice in the Iowa County. *Iowa.*
- M. C. Mitchell, A.B., Geneva College, 1911. Assessment of Property for Taxation in American Cities. *Harvard.*
- R. L. Olson, A.B., South California, 1918; J.D., *ibid.*, 1922. The Relation of Southern Californian Cities to Colorado River Water Supply Projects. *Harvard.*
- Winslow Porter, LL.B., Missouri, 1909; S.B., Boston, 1923; Municipal Revenue from Public Utilities in United States. *Harvard.*
- J. T. Salter, A.B., Oberlin, 1921. The Operation of the Non-partisan Ballot in Third Class Cities in Pennsylvania. *Pennsylvania.*
- J. T. Sly, A.B., Iowa State Teachers' College, 1917; A.M., University of Iowa, 1921. Contemporary Town Government in New England. *Harvard.*
- M. V. Smith, A.B., Pomona, 1923. Municipal Censorship of Public Amusements, especially of Motion Pictures. *Harvard.*
- Robert E. Taylor, A.B., Michigan, 1912; A.M., *ibid.*, 1913; LL.B., St. Louis, 1913; LL.M., *ibid.*, 1920. Municipal Budget Systems. *Chicago.*
- S. C. Wallace, A.B., Columbia, 1919; A.B., *ibid.*, 1920. State Administrative Control over Cities. *Columbia.*
- Harold Zink, A.B., Denver, 1921; A.M., *ibid.*, 1923; S.T.B., Boston, 1923. A Psycho-Biographical Study of Municipal Bosses in the United States. *Harvard.*

FOREIGN AND COMPARATIVE GOVERNMENT

- Gladys Blakey, A.B., Knox, 1912; A.B., Vassar, 1913; A.M., Minnesota, 1916. Preferential Tariffs in the British Empire. *Minnesota.*
- William Casey, A.B., James Millikin University. Recent Party Developments in Great Britain. *Illinois.*
- C. Y. Cheng, A.B., Peking, University, 1913; A.M., Columbia, 1923. Schemes for Imperial Federation. *Columbia.*
- W. H. Chiao, A.B., Wisconsin, 1920; A.M., *ibid.*, 1922. Devolution in the British Empire. *Columbia.*
- A. G. Dewey, A.B., McGill, 1911; A.M., *ibid.*, 1913. Canada and the Britannic Question. *Columbia.*
- Maximo M. Kalaw, A.B., George Washington University, 1916. Philippine National Politics, 1872 to 1921. *Michigan.*
- C. H. Kan, A.B., Wisconsin, 1922. Some Political Aspects of the French Budget. *Harvard.*
- Gerda Richards, A.B., Smith, 1922; A.M., Radcliffe, 1923. The Development of Political Parties in the Reign of George III. *Harvard.*
- Allan F. Saunders, A.B., Amherst, 1918; A.M., Wisconsin, 1920. The Government of Scotland. *Wisconsin.*
- C. Y. Skill, A.B., Minnesota, 1924. Interstate Law in Ancient China. *Minnesota.*

INTERNATIONAL LAW AND INTERNATIONAL AFFAIRS

- Bernabe Africa*, LL.B., Southern California, 1917; LL.M., Michigan, 1924. Political Offenses in Extradition. *Michigan*.
- Dennis D. W. Brane*, A.B., Otterbein College, 1921. Official International Unions, 1856-1914. *Harvard*.
- H. A. Briggs*, A.B., West Virginia, 1921. The Doctrine of Continuous Voyage. *Johns Hopkins*.
- Ming K. Chao*, A.B., Cornell, 1922; A.M., *ibid.*, 1923. Joint Action of Foreign Powers in China. *Harvard*.
- Jay Cohen*, A.B., College of City of New York, 1918. Development of Prize Law since 1900. *Columbia*.
- William H. Cooke*, A.B., Pomona, 1920; A.M., *ibid.*, 1921. The Caillaux Movement for European Peace. *Stanford*.
- Franklyn D. Daines*, A.B., Brigham Young College, 1906; A.M., Harvard, 1912. The Rhine Policy of France. *California*.
- Clyde Eagleton*, A.B., Austin College, 1910; A.B., Oxford, 1917; A.M., Princeton, 1914. The Responsibility of States in International Law. *Columbia*.
- Luther H. Evans*, A.B., Texas, 1923; A.M., *ibid.*, 1924. International Mandates and the Administration of Backward Areas. *Stanford*.
- George M. Gage*, A.B., Kansas, 1922. Three Factors in the Causation of Modern War. *Stanford*.
- C. Luella Gettys*, A.B., Nebraska, 1920; A.M., *ibid.*, 1921. The Effect of Changes of Sovereignty upon Nationality. *Illinois*.
- L. M. Goodrich*, A.B., Bowdoin, 1920; A.M., Harvard, 1920. Res Judicata. *Harvard*.
- N. D. Houghton*, B.S., Missouri State Teachers' College, 1921; A.M., Missouri, 1923. De Facto Governments: A Study in American Policy. *Illinois*.
- Shuhsi Hsu*, A.B., Hongkong University, 1917; A.M., Columbia, 1919. China and her Political Entity. *Columbia*.
- Maria C. Lanzar*, Ph.B., University of the Philippines, 1922; A.M., *ibid.*, 1923. The Anti-Imperialist League. *Michigan*.
- Harold D. Lasswell*, A.B., Chicago, 1923. Phases of International Attitudes. *Chicago*.
- S. H. Lau*, A.B., Shanghai College, 1922. American Foreign Policy in China since 1898. *Chicago*.
- Walter H. C. Laves*, Ph.B., Chicago, 1923. The German Attitude toward Foreign Investments. *Chicago*.
- S. S. Liu*, A.B., Johns Hopkins, 1921; A.M., Harvard, 1923. Extraterritoriality: Its Rise and Decline. *Columbia*.
- Edward B. Logan*, Ph.B., Chicago, 1922. Trans-Pacific Communications. *Pennsylvania*.
- Mildred Moulton*, A.B., California, 1921; A.M., *ibid.*, 1923. The Conference as an Organ of International Government. *New York University*.
- B. C. Randolph*, A.B., Hollins, 1912; A.M., Radcliffe, 1916; Regional Understandings. *Harvard*.
- B. C. Rodick*, A.B., Bowdoin, 1912; A.M., Harvard, 1914. The Doctrine of Necessity. *Columbia*.

- Adolf Solansky*, A.M., Columbia, 1924. *Military Occupation. Columbia.*
- M. W. Royce*, A.B., Minnesota, 1919; A.M., Columbia, 1922. *International Law of the Air. Columbia.*
- Constant Southworth*, A.B., Harvard, 1915. *The Colonial Venture of France. Brookings Graduate School.*
- Irvin Stewart*, LL.B., Texas, 1920; A.B., Texas, 1922. *Consular Privileges and Immunities. Columbia.*
- William M. Strachin*, A.B., Michigan, 1912; LL.B., *ibid.*, 1915; A.M., *ibid.*, 1923. *Radio Communication in International Law. Michigan.*
- Amry Vandembosch*, Ph.B., Chicago, 1920. *Dutch Neutrality During the World War. Chicago.*
- R. R. Wilson*, A.B., Austin, 1918; A.M., Princeton, 1922. *Compulsory International Agreements. Harvard.*
- J. M. Yang*, A.B., Peking University, 1912. *The League of Nations and Opium. Columbia.*
- C. Walter Young*, A.B., Northwestern, 1922; A.M., Minnesota, 1924. *Japanese Policy in Manchuria with Special Reference to the Open Door. Minnesota.*
- J. F. Zimmerman*, A.B., Vanderbilt, 1913; A.M., *ibid.* *Impressment of American Sailors. Columbia.*
- T. Y. Zsce*, A.B., Johns Hopkins, 1921. *China and the Most Favored Nation Clause. Columbia.*

POLITICAL THEORY

- Natalye A. Colfelt*, A.B., Vassar, 1921; A.M., Stanford, 1923. *The Political Philosophy of the Progressive Party. Stanford.*
- Paul Cuncannon*, A.B., Swarthmore, 1915. *The Political Theories of Theodore Roosevelt. Princeton.*
- Ralph Fletcher*, A.B., Washington University, 1924. *The Influence of Racism on Political Thought and Political Action. Brookings Graduate School.*
- Clyde W. Hart*, A.B., Millikin, 1915. *Political Theory in American Literature. Chicago.*
- Helen D. Hill*, A.B., Bryn Mawr, 1921. *Federalism in Recent Political Theory. Chicago.*
- Mary Z. Johnson*, Ph.B., Chicago, 1924. *History of Theory of Democracy since 1848. Chicago.*
- Lewis W. Jones*, A.B., Reed College, 1922. *Human Nature and Social Reform. Brookings Graduate School.*
- Harry M. Kenin*, A.B., Washington, 1921; A.M., *ibid.*, 1923. *The Political Psychology of the Conservative and the Radical. Chicago.*
- Charles R. Layton*, A.B., Otterbein, 1913; A.M., Michigan, 1917. *The Political Thought and Influence of John Bright. Michigan.*
- P. G. Nesperius*, A.B., University of Washington, 1921; A.M., Chicago, 1922. *Political and Social Ideas in Greek Literature. Columbia.*
- Anne Wade O'Neill*, A.M., Clark, 1918. *The Political Theory of Francis Lieber. California.*
- Frank Paddock*, A.B., Indiana State Normal, 1916. *English Theories of Functions of Government since 1776. Wisconsin.*

- Elbert D. Thomas*, A.B., Utah, 1906. *Ancient Chinese Political Theory*. *California*.
- R. D. Watkins*, A.B., Johns Hopkins, 1922. *The State as a Party Litigant*. *Johns Hopkins*.
- Houston White*, A.B., Davidson, 1921. *The Judicial Theory of Judicial Power*. *Princeton*.
- B. F. Wright, Jr.*, A.B., Texas, 1921; A.M., *ibid.*, 1921. *Natural Law in American Political Theory*. *Harvard*.

LABOR, TAXATION, PUBLIC UTILITIES, AND SOCIAL CONTROL

- Herman C. Beyle*, A.B., Central College, 1912, A.M., Chicago, 1916. *History of Labor Legislation in Ohio*. *Chicago*.
- Anna M. Campbell*, A.B., Illinois, 1920; A.M., Wisconsin, 1923. *Comparative Trade Union Law in America and Foreign Countries*. *Wisconsin*.
- Herbert B. Doran*, A.B., Lawrence, 1919; A.M., Wisconsin, 1920. *Credit of Public Service Companies*. *Wisconsin*.
- H. S. Ephron*, A.B., Toronto, 1923. *Elements of a Labor Party in the American Labor Movements*. *Johns Hopkins*.
- Olga L. Halsey*, A.B., Wellesley, 1912; A.M., *ibid.*, 1916. *Unemployment Insurance*. *Wisconsin*.
- C. M. Kneier*, A.B., Illinois, 1922; A.M., *ibid.*, 1924. *State Regulation of Public Utilities in Illinois*. *Illinois*.
- Sotaro Matsushita*, A.B., California, 1917; A.M., *ibid.*, 1919. *The Political Organization of Labor*. *Harvard*.
- Jan Maria Novotny*, Doctor Juris, Prague, 1921. *Taxation of Unearned Incomes*. *Pennsylvania*.
- Paul A. Raushenbush*, A.B., Amherst, 1920. *Recent Trade Union Development in Germany*. *Wisconsin*.
- Herbert D. Simpson*, A.B., Princeton, 1902; A.M., *ibid.*, 1904. *The Taxation of Public Utilities Corporations*. *Wisconsin*.
- Frank Tannenbaum*, A.B., Columbia, 1921. *The Causes and Wastes of Crime*. *Brookings Graduate School*.

BOOK REVIEWS

EDITED BY W. B. MUNRO

Harvard University

A History of Political Theories, Recent Times: Essays on Contemporary Developments in Political Theory. By STUDENTS OF THE LATE W. A. DUNNING, edited by C. E. MERRIAM and H. E. BARNES. (New York: The Macmillan Company. 1924. Pp. viii, 597.)

This volume of essays forms a fitting memorial to a great political theorist and historian. It is in itself ample justification of the life of the foremost American scholar in this field, were any other necessary than the long list of his distinguished contributions to political literature that are recited in the preface. For the names of his students who have themselves attained distinction show that the seeds of Professor Dunning's scholarship fell on fertile ground. One reflects how fruitful can be the work of a single man, if he be the inspired teacher that was Professor Dunning. But the immediate interest of this volume to students of politics lies in the place it attempts to fill by carrying Professor Dunning's own *History of Political Theories* up to contemporary thought. He himself is reported to have felt that modern political theory in the current of revolt against the state was "radically unintelligible," (p. 313) but his students have happily not been willing to leave the matter there.

Naturally a volume of single essays, contributed even by such distinguished students, must lack the continuity and singleness of view of the master, and is sure to be more or less uneven in quality. In many ways, however, the range of views is a compensation. The editors are to be congratulated, too, upon running even a slender thread of selection through topics that range from the contributions of sociology, social psychology, anthropogeography, and anthropology, through the traditional concerns of political theory such as sovereignty, pluralism, international law, socialist and proletarian theory, all the way to the political implications of recent philosophical thought. There is, unfortunately, an excessive overlapping of the essays, and a tone too largely sociological.

Professor Merriam, who has become the dean of American theorists with the passing of his old master, contributes an introduction to the volume, "Recent Tendencies in Political Thought." It is marked by his usual felicity of insight and broad grasp of the whole field. He propounds the following questions as a guide to the bird's-eye view that, as joint editor with Professor H. E. Barnes, he has had to keep in mind: "What were the outstanding social forces of this period? What were the most conspicuous groups that developed systems of political rationalization? What was the intellectual equipment, the reasoning technique of the various competing groups? What were, more specifically, the ways of arriving at political truths—the methods of political inquiry? . . . And finally, what progress was made in the discussion of what are commonly regarded as the fundamentals of political theory?" (p. 1). These questions supply a key to the rest of the volume, though it is a key which seems to fit very few of the essays that follow.

Depending on one's point of view, it may be thought fortunate or unfortunate that very few of the essays are at all preoccupied with the question of the quantitative and statistical methods (as applied to the technique of political research) to which Professor Merriam has latterly devoted himself. To the reviewer it seems that political theory, although it cannot slight the problem of the methodology of research, is chiefly concerned with a political evaluation of the descriptive material that is properly the concern of the other social sciences, and of the administrative and structural fields of political science. In this respect many of the essays, though they are useful grist for his mill, may seem to the student of theory incompletely assimilated to the field of politics.

In the matter of the impact of philosophical doctrines on political theory, one must be a little astounded—in the face of the evidence to the contrary—by Professor Merriam's assertion that: "It cannot be said that either Bergsonism or Pragmatism exerted a wide influence on the course of political thought in the period under discussion, whatever power they may later wield, or that current political theory made wide use of its (sic) forms or methods" (p. 15). The rest of the volume contradicts this assertion by the frequency with which reference is made to pluralism and to anti-intellectualism, and to the names of Laski, Sorel, Duguit, Pound and others whose method and philosophy are pragmatic in the extreme.

Professor Schneider's interesting summary of the "Implications of

Recent Philosophical Movements" takes a very different view, though he is by no means sure that the conclusions of the political pluralists are based upon a really radical philosophical pluralism. His summary of philosophical tendencies, however, does not issue in a very convincing linkage with political movements. Professor Coker, though, has contributed an admirable essay on "Pluralistic Theories and the Attack on State Sovereignty," which leaves only one regret—that it could not be even further expanded, as it sums up most of the politically important problems broached in the rest of the volume. The same thing can hardly be said for the chapter on juristic theory by Professor Patterson which is characterized by a disproportionate emphasis on the American sociological jurists, to the almost complete exclusion of names like those of Sierke, Berolzheimer, Esmein, Jellinek, who certainly had more of an impact on political theory.

Space and the widely differentiated character of the other essays forbid even the exposition of their main contributions. Some of them follow Professor Barnes' example of attempting little more than a bibliographical summary; but the names of E. M. Borchard, Carlton, J. H. Hayes, Paul H. Douglas, C. E. Gehlke, A. E. Goldenweiser, F. Thomas, F. U. Hankins, and M. W. Willey indicate the generally high level of scholarship that is maintained in the fields to which they contribute. So far as the reviewer knows there is no similar effort to bring together in the compass of a single volume even a sketch of the contemporary contributions made by the studies so germane to politics. The experiment is, on the whole, very successful in providing both teachers and students of modern political theory with a useful text. It should encourage other and more extensive symposia in fields which to a single researcher are almost impossibly vast.

W. Y. ELLIOTT.

University of California.

The Fundamental Concepts of Public Law. By WESTEL W. WILLOUGHBY. (New York. The Macmillan Company. 1924. Pp. xvii, 499.)

Since this book is a convenient introduction to the theory of public law as actually practiced, the reader instantly thinks of the three great English names identified with that subject: Hobbes, Bentham, Austin. There is, it seems, no easy way to connect the dates of those classical writers. Yet a year convenient for Americans to bear in mind—1776—may be taken as a key date. Hobbes' *Leviathan* appeared

a century and a quarter earlier—in 1651. In 1776, Bentham began his career with *A Fragment on Government*. Half a century later—in 1826—Austin gained his opportunity by becoming professor of jurisprudence in the University of London; and soon afterwards he brought from Prussia his rather militaristic conception of law and of sovereignty. It is noticeable, by the way, that in her preface to his *Lectures on Jurisprudence* Mrs. Austin says: "At a very early age Mr. Austin entered the army, in which he served for five years; a fact which would have no place here, but for the permanent traces it left in his character and sentiments. Though he quitted it for a profession for which his talents appeared more peculiarly to fit him, he retained to the end of his life a strong sympathy with, and respect for, the military character as he conceived it."

Possibly, then, the Austinian theory was not actually made in Germany. However that may be, unquestionably the Austinian theory threw into the placid Anglo-American mind an apple of discord, with results not to be adequately described without mixing metaphors. Not that the practicing lawyers have cared, nor the judges, nor even the authors of those books which are the daily food of the profession. No; for their purposes—save, indeed, when they make a quasi-learned address,—there might just as well have been no Austin. The persons who have cared have been the few teachers of analytical jurisprudence and the many teachers of government.

And so it happens that about a century after Austin's return from Prussia, any teacher of analytical jurisprudence or of government who opens this latest work on the fundamental concepts of public law will ask at the outset whether the author, whose earlier dealings with this subject are well known, should continue to be classed as an Austinian. The answer is, essentially, yes; but not in any slavish sense, for there is ample and acute criticism of terms, and there is also original discussion of the problems raised by the new readjustments of the British Empire and by the mandates under the Treaty of Versailles and by other phenomena of recent history. Thus this book, though not at all heterodox, is independent and timely and interesting.

It is divided into two parts. The first part is devoted to defining fundamental concepts, and the second part is devoted to practical applications. Each part may be read separately, the first appealing to minds enjoying philosophical terminology, and the second appealing to minds having chiefly a lawyerlike quality. Yet surely every one, whatever his personal equation, will profit by the chapters on the

value of juristic political philosophy, on sovereignty, on the federal state, on the United States of America, on territorial jurisdiction, on personal jurisdiction, on extraterritorial jurisdiction, and on the suability of the sovereign.

Finally, it must be emphasized that in discussing the topics named, and all other topics, this book attempts to ascertain what the law is, and not whether there should be any law at all, nor yet what would be an ideal system. As the preface says: "In a volume which the author expects to publish in the near future the various questions relating to the ethical right of the State to exist and the legitimate extent of its authority will be discussed. In the present volume will be considered only those fundamental concepts which are employed by jurists in dealing with the State." In short, the point of view here taken was meant to be—and indeed it is—lawyerlike, or, as an analytical jurist may well prefer to say, juristic.

EUGENE WAMBAUGH.

Harvard Law School.

The Passing of Politics. By WILLIAM KAY WALLACE. (New York: Macmillan Company. 1924. Pp. 323.)

In "The Trend of History" the author traced the growth of the modern political state from its mediaeval origins to its present-day expressions in expansion and conflict. He achieved a readable and suggestive synthesis of the main currents of recent development. In the present work he carries his thesis forward and projects the future of the state upon background of this analysis. "We may thus be in a position to show how politics as the focus of social life has declined; . . . (how) the era of politics is drawing to a close and a new stage is opening before us."

The main portion of the book is devoted to an analysis of the underlying principles of politics—liberty, equality, the various specific "rights" of man—and their relation to modern political institutions on the one hand and a developing economic society on the other. The author considers democracy "a healthy function in that it acts as the dissolving agency of decadent institutions." He indicates the influence of individualism in the breakup of the feudal order and its generalization in the personal theory of the state and the resulting competitive imperialism of recent international politics.

The inadequacy of the democratic state, with its false emphasis on the volitional element in political decisions, to solve the economic

and industrial problems of the community is the major premise of the book. While there is nothing essentially new in the material or the structure of the argument, Mr. Wallace has drawn an interesting and pertinent comparison between the methods of politics and economics. His emphasis upon a shift from an individualistic to a "collective" basis of social theory and action is perhaps his most useful suggestion. "The increase of wealth and of population, of well-being and the normal duration of life . . . are coefficients of the economic efficiency which is transforming the character of social life."

Though his facts are drawn from secondary sources the author has succeeded remarkably well in making his picture unbiased as well as attractive. If he had shown a more adequate acquaintance with others working in this borderland between government and industry—Hobson, Cole, Duguit, Krabbe, Burns, Laski and others—his own contribution would have gained the strength of buttressing authority.

PHILLIPS BRADLEY.

Wellesley College.

The New Governments of Central Europe. By MALBONE W. GRAHAM, JR., assisted by ROBERT C. BINKLEY. (New York: Henry Holt and Company. 1924. Pp. x, 683.)

This excellent volume will be of great service to students interested in comparative government. Although the new constitutions of Europe have been made available in various forms and much has been written in the aggregate about the recent political history of the Central European states, there was need of a treatise which should summarize the main provisions of these new constitutions and the political events which preceded and have followed their adoption. In this book the need has been met with regard to Germany, Austria, Hungary, Czechoslovakia and Yugoslavia. From scattered sources, no doubt a diligent student could learn far more about any one of these states, but it would be difficult, indeed, to indicate a volume in which so much information regarding them is brought within like compass.

The authors very wisely have not undertaken to print again the new constitutions with which revolution has blessed all these states except Hungary. They have, however, supplemented their own summary statement and interpretation of the events of the five-year period following the war by a series of documents which the careful student may use with much profit. Chief among these documents are selec-

tions from the proclamations of the authorities and of the leaders of important groups in times of crisis and programmes announced at intervals by the various political parties. Taken together they trace the principal lines of opinion and action which have given form to the existing governments and parties.

Perhaps the most striking feature of the work is the series of "time charts," one for each of the countries involved and a comparative one for them all, in which the authors attempt a graphic portrayal of political events and especially of party oscillations. Whatever these oscillations may signify and however great the temptation to deduce too much from any particular realignment, the charts are a welcome mechanical aid to the reader. Even with their help, the mass of information is at times a little confusing. Moreover, the comprehensive chart is of special value in the study of "the political cycles from revolution to normalcy" in the new states. Whether we look to Vienna or Berlin, to Belgrade or Prague, we see a certain parallelism of political events and development which the graphic treatment helps to make clear.

A certain caution, however, must be observed in the use of books of this kind. Of necessity they emphasize formal occurrences. Party programs and changes of ministry stand out large. But, even though we admit that such programs issued in Budapest or Munich mean more than platforms published in New York or Cleveland, still they need not be taken too seriously. Social Democrats and Communists have been known to play politics. It will be years before we can weigh accurately events which in this book must be dismissed with a paragraph: if we are ever to weigh them accurately we shall need not paragraphs but volumes. Moreover, the difficulties of compressed statement are only increased when the authors venture, as they occasionally do, into the weighing of personalities and the tracing of causes and effects. These are controversial points, and, if a controversial point is to be treated summarily, it is doubtful wisdom to treat it at all. For instance, the mildly unfavorable opinion of President Ebert, expressed in six lines on page 58, should have been either expanded and defended or not expressed.

But within the inevitable limits, which the authors have in general admirably observed, the book would be hard to improve. It is not a systematic discussion of general problems, but a report on experiments which are now being worked out in the political laboratories of Central Europe. Whoever reads the report with care will gain a

clearer understanding of those experiments and a livelier appreciation of their importance.

H. A. YEOMANS.

Harvard University.

Second Chambers in Theory and Practice. By H. B. LEES-SMITH.
(London: George Allen & Unwin, Ltd. 1923. Pp. 256.)

The Parliament Act of 1911, while reducing the powers of the English House of Lords to those of a mere revising body capable of delaying the passage of other than money bills but not of permanently thwarting the will of the House of Commons, left the question of reform in the composition of the upper chamber unsettled. This question has since remained in the background of English politics. In 1917 a "Conference on the Reform of the Second Chamber" was set up by the prime minister, consisting of thirty members drawn from both houses and all parties under the chairmanship of Lord Bryce. This body made an intensive comparative study of second chambers, with special consideration of those in the self-governing dominions. The subject was later examined by a special Cabinet Committee, whose report was made the basis of a series of government resolutions presented, in 1922, to the House of Lords, where they met a most frigid reception. Here the matter rests for the present, but the subject is of such importance, and the need for reform of some kind is so generally recognized, that it is certain discussion of the subject will be resumed.

In reviewing the evidence presented to the Bryce Conference, which was never published; in independently collecting considerable additional information, in analyzing the data and in presenting his own reasoned conclusions on the problem of second chambers, Mr. Lees-Smith has been primarily concerned with the situation in England. His work constitutes, however, a very valuable addition to the general literature of comparative constitutional law, and will be welcomed by students in this field. The composition, powers, and actual working of the upper chambers in Canada, Australia, New Zealand, South Africa, the Irish Free State, and Northern Ireland, within the Empire, are given careful consideration. Apart from a very brief and inadequate description of the senates of France and the United States, the only other government studied is that of Norway. In his chapter of twenty-five pages on "The Norwegian Second Chambers" is to be found the most interesting and lucid description of the essential features of the government of Norway with which the reviewer is familiar.

The author is only concerned with the character of second chambers in governments of the parliamentary type. His conclusions, therefore, do not apply to systems like that of the United States, where the principle of the separation of powers obtains. In parliamentary governments, he believes, the upper chamber should be constructed on a very simple system. Since it does not possess any share in the control of the executive, its position in the constitution is essentially a subordinate one. Though there may be practical and historical reasons for giving some representation to an hereditary peerage, such an element ought to constitute at most a small fraction of the entire body. Otherwise it must be based on nomination or election. Nomination in a democratic country means selection by the Prime Minister, which experience proves results in purely partisan appointments. It is, therefore, to be condemned. As between direct and indirect election the author believes that the latter is preferable. Direct election not only involves the confusion, labor, and expense of general elections, but tends to develop a claim by the upper chamber to a rival authority with the lower house. Indirect election by local authorities "introduces artificial and unsuitable issues into local politics and fails to give the more advanced parties representation which corresponds to their real strength." This method also tends to elevate the second chamber into a coördinate position with the first. Thus by elimination the conclusion is reached that election by the lower chamber itself is "the only means of securing a second chamber which has a representative character and is, at the same time, quite free from the danger of contesting the authority of the lower house." It was this method which was proposed by the Bryce Conference as the basis for three-fourths of the House of Lords. It has been employed in a number of recent constitutions with apparent success. Whether the Norwegian practice should be followed of not only electing the members of the upper chamber by, but also from the lower house, may be open to question. The election will inevitably be made on party lines. In order that minority parties may receive their due share of the membership the system of proportional representation should be used. The term of members of the upper chamber should coincide with that of the lower, in order to secure its truly representative character.

Such a body is, of course, premised upon the principle that "No second chamber—should be entrusted with the right to defeat legislation. Its proper function is to make suggestions for amendments,

and its power should be confined to securing sufficient delay to ensure that these amendments shall be properly debated, and that sufficient time shall be allowed for the expression of public opinion upon them."

WALTER JAMES SHEPARD.

Washington, D. C.

Government of the West Indies. By HUME WRONG. (New York: Oxford University Press. 1923. Pp. 190.)

Race Problems in the New Africa. By WILLIAM C. WILLOUGHBY. (New York: Oxford University Press. 1923. Pp. 296.)

Christianity and the Race Problem. By J. A. OLDHAM. (New York: George H. Doran Company. 1924. Pp. xx, 279.)

Tropical Holland, An Essay on the Birth, Growth and Development of Popular Government in an Oriental Possession. By H. A. VANCOENEN TORCHIANA. (Chicago: University of Chicago Press. 1921. Pp. xiv, 305.)

This group of works is a welcome addition to the comparatively barren literature on colonial government. Together with Sir Frederick Lugard's *Dual Mandate in Tropical Africa* and the fourth edition of Professor Arthur Girault's *Principes de colonisation et de législation coloniale*, they fill a long-felt lacuna in this field. Mr. Wrong is concerned primarily with the constitutional problems which have arisen in British colonies in the Caribbean. "In the West Indies the student of the constitutional evolution of the British Empire may see the process of change, familiar in the Dominions, from representative to responsible government, reversed by the gradual elimination of elected Assemblies. He may examine here and in Bermuda the only three surviving examples of the old form of colonial representative government, a system which has left its mark deeply on the constitution of the United States, especially in the separation of the powers of executive and legislature. He may study in the early history of British Honduras, and in the surviving example of the Cayman Islands, instances of primitive and spontaneous democracy set up without the sanction of the Crown. He may investigate in the Leeward Islands both a very early and a comparatively recent example of political federation. He may, above all, explore a whole series of attempts to compromise between the grant to the colonies of representative institutions and the grant of full responsible government, the same problem which has recently been faced in a new way and on an infinitely greater scale in India. The field is rich with constitutional

experiments and political devices, tropically luxuriant as the soil of the colonies themselves, with a variety almost alarming in its profusion." Probably the most interesting part of this careful study is the discussion of the failure of representative government—of a legislature elected by the colonists with an executive controlled by the British Crown—in Jamaica. In his opinion, the legislature must rule the executive, or the executive must be able to control the legislature—there is no middle ground (p. 177). At the present time, there is no desire in the colonies for the establishment of responsible government or even for dyarchy. Nevertheless, there has been friction between the executive and the legislature, which he believes might be solved by authorizing the Governor to carry measures by the votes of the official members alone—a suggestion made by Mr. Wood in his report of 1922.

As the title of his book implies, Mr. Willoughby, who has been a principal of the L. M. S. Native Institution, Tiger Kloof, South Africa, is interested more in the racial and social problems of colonial government, than its constitutional side. He devotes most of his book to a study of Bantu life and thought, and the effect upon the Bantu of European contacts. He believes that the annexation of territory by European powers in Africa, was not only inevitable but desirable in order to establish legal checks upon the otherwise unrestrained activities of white filibusters. Probably the most important problem of the government of Africa is the problem of education. "But it must be *proper* education, not mere book-learning. It must strengthen the weak points of Bantu character. Anything that can be learnt by rote or done by simple imitation comes easy to these peoples; but they have never perceived the importance of carefulness, accuracy, and the proper co-ordination of brain, eye, and hand." (p. 183) He does not accept the belief that the negro is inherently indolent. Forced labor is a defective policy because it fails to make industry attractive. The inefficiency of the native is not due to any innate defect of character but to the fact that he is untrained (p. 219). The resentment of the Bantu to European exploitation has taken the form of "Ethiopianism," which has also been stimulated by the fact that under foreign control, the natives "see a freedom and power of which their fathers never dreamt . . ."

According to Mr. Oldham's stimulating study, "the ultimate political problem of the world is how the different races which inhabit it may live together in peace and harmony." While he realizes that

racial prejudices exist, he believes they have their roots in moral rather than in instinctive causes. He is also prepared to admit that there are differences between races and that some races are superior to others. But he points out that up to the present we do not know whether these superiorities are due to racial or to environmental causes. Although races may be different, underlying all these differences there exists a common humanity. He discusses the inter-racial problems which have arisen out of the projection of the white race into the tropics and of the entrance of the colored races, by emigration, into the temperate zones. Imperialism, in his opinion, can be justified only by the policy of trusteeship. If inter-racial peace is to be maintained, an exclusion policy must be established but by means which will not needlessly irritate the colored races. As a general rule, he believes that racial marriages are undesirable; and in some cases a policy of social separation—not of discrimination—is the best means of preventing racial strife. He concludes by stating that the fundamental issues in racial relations are not ethnological or biological, but ethical. He believes, along with Mr. Willoughby, that the Christian Church has a fundamental part to play in solving the problem. While from the standpoint of abstract scholarship the frankly ethical approach to the subject may discount this book with some people, it is nevertheless a very welcome antidote to the outpourings of the racial alarmists who have been afflicting America for the last several years.

In his essay on Tropical Holland, Mr. Torchiana, the Consul General of the Netherlands for the Pacific Coast, has given us a well-written account of the historical development of Insulinde under Dutch control. Despite the abolition of the old culture system, which he does not attempt to justify, Dutch policy has not reached the ideal, as the maintenance of the penal sanction for the violation of labor contracts indicates. However, the natives are being given an increasing participation in the government, through such bodies as the Volksraad. All of the three latter writers are aware of the spread of nationalistic doctrines among the colored peoples; and their comments are to the extent to which the west should recognize these aspirations, are as intelligent as they are interesting.

RAYMOND L. BUELL.

Harvard University.

A History of the Foreign Policy of the United States. By RANDOLPH GREENLEAF ADAMS. (New York: Macmillan Company. 1924. Pp. xv, 490.)

In his preface the author states that he has "felt the need of books on foreign policy which will epitomize the results of research in that field." His work meets that need. The style is that of vigorous conversation, which will add interest for many readers. The outline maps increase the value of the book. Among the illustrations, the faces of Franklin, J. Q. Adams, Marcy, Fish, and John Hay are missing; but one is rewarded by finding the less familiar likenesses of Beaumarchais, Shelburne, C. F. Adams, Drago, Burlingame, Townsend Harris, and Walter Hines Page.

The book surveys in eighteen short chapters the more important events in our foreign relations, beginning with the papal bull of Alexander VI and ending with a quotation from the winner of the Bok peace prize. Time and again the sensitiveness of America to conditions in Europe is noted. On page 21, "George Washington's farewell address may have been a pious hope that America could steer clear of European quarrels, but it certainly was not a statement of that as a fact." Prior to the Revolution the Americans were repeatedly drawn into European conflicts. In the Revolution they brought about a European war. In 1812 and in 1917 the Americans were pulled into the European maelstrom. A chapter each is given to our rivalry with Japan, the open door to China, the Caribbean, and relations with Mexico, while Russian recognition, the Washington Conference, Canadian relations, enemy property, and recrudescent isolation are all touched upon in the last chapter.

Several inexact expressions appear, as on page 27: "the incompetent Duke of Newcastle." J. S. Corbett (*England in the Seven Years' War*) has given us a better estimate of that minister. On page 174: "The Europe of that day was under the domination of an alliance of emperors variously known as the Quadruple Alliance and the Holy Alliance." This shows a failure to differentiate between the two alliances, which is again apparent on page 180, where "Britain's action in withdrawing from the Holy Alliance" is mentioned. On pages 215 and 216 the impression is given that the Americans were largely the losers by the North Atlantic Fisheries Arbitration. On page 244: "England would not admit that the Monroe Doctrine was a part of international law." And on page 245: ". . . she was not yet willing to admit that the Monroe Doctrine was international law,

although in this instance (Venezuela) it was certainly enforced against her." The Monroe Doctrine is a policy and not law in any form. On page 367: "So perhaps the best way to put it is to say that the shipment of contraband is legal unless the neutral shipper gets caught." Getting caught is one of the risks and does not affect the legality of the shipment (see *Northern Pacific Railway Co. v. American Trading Co.* 195 U. S. 439). On page 375: "In international law, it should be repeated, a belligerent war vessel may capture her enemy's trading vessels wherever she can take them on the high seas, but she must take her prize into port and have it condemned in a prize court, thus saving the lives of the crew and passengers." For the circumstances under which enemy merchant vessels may be sunk, see *Instructions for the Navy of the United States*, 1917, section 13, and *Scott's Cases on International Law*: the "Lusitania," 789, the "Cheref," 792, and the "Knight Commander," 793.

The footnotes reveal that the author has rarely examined the sources but has relied largely upon the contributions of American scholars. With these as a background he has depicted in good perspective the national interests and aspirations of the United States. To write the real history of our foreign policy would be an ambitious undertaking. A young man might well set that task for himself as a life work.

CHARLES E. HILL.

George Washington University.

The Monroe Doctrine: Its Importance in the International Life of the States of the New World. By ALEJANDRO ALVAREZ. (New York: Oxford University Press. 1924. Pp. x, 573.)

It is eminently proper that a Latin American publicist should give to the world a book on the Monroe Doctrine, which has had so profound an influence on the destinies of the Latin American states. Having long been a member of several societies interested in international relations and international law and having been a delegate to the Fifth Pan-American Conference, Don Alejandro Alvarez was eminently qualified for this task.

The book is divided into two distinct parts. The first, comprised in three chapters covering 110 pages, gives a "historical and comparative exposition of the ideas of the United States and Latin America with regard to the Monroe Doctrine," the principles of the doctrine and "their importance in the development and the new understanding

of international law," Europe's attitude toward the doctrine in 1923 and since that time, and the cases in which "the United States seems to have disregarded the Monroe Doctrine and hegemony." Of the 110 pages comprised in these three chapters 72 are made up of quotations from source material, taken mainly from Moore's Digest of International Law.

The second part comprises two sets of annexes, the first of which, covering 86 pages, consists mainly of documents taken from Latin American official or semi-official papers. The second is itself divided into two parts: the first, covering 182 pages, giving the opinions of Latin American statesmen and publicists; the second, covering 177 pages, giving like opinions in the United States from John Barrett to Woodrow Wilson. This means that the book may be set down as a source book of origin and development and should be welcomed by students of Monroe's policy; it would have been particularly welcome to the writer, for it contains many documents not elsewhere easily obtainable.

In reading some of the documents one reaches the conclusion that their relation to the Monroe Doctrine is very remote. Any state that has revolted and secured its independence would naturally hold that it was no longer open to colonization and it would be natural for several such neighboring states to think of confederating for defense; but, whatever may have been the personal inclinations of John Quincy Adams, Monroe certainly did not think of confederating with them. The attitude of the Fourth Pan-American Conference toward the Monroe Doctrine is given, but not a word about the way the American delegates shelved the author's proposals at the Fifth Conference, though it was held a year before the book was published. Neither in the official documents nor in the opinions of publicists do we find a word from Haiti, Santo Domingo, or Nicaragua. In the list of publicists quoted we find several names not very well known in North America, but that of Dr. Baltasar Brum is conspicuous by its absence. The list of cases in which the United States has disregarded the doctrine is not complete, and no mention is made of participation by the United States in European affairs or of arbitration of American disputes by Europeans. But these shortcomings, if such they are, are mere incidents in a book which will be of great service to students of the Monroe Doctrine and of Pan-Americanism.

DAVID Y. THOMAS.

University of Arkansas.

The Constitution of the United States—Yesterday, Today and Tomorrow.

By JAMES M. BECK. (New York: George H. Doran Company. 1924. Pp. xiv, 352.)

It must be said at the outset that Mr. Beck's volume has at least one fault and that a very serious one. Even a busy reviewer who picks it up casually, before condemning or commending, is forced to read the book from cover to cover, and then to read it a second time. The interest in Mr. Beck's book, leaving aside the subject (which still appeals to the staid and sedate and other old-fashioned people) is the outcome of a lively imagination, kept in control by sound learning, which it lights up but does not consume.

The federal convention met in May of 1787 in the city of Philadelphia, and finished its labors on September 17 with the Constitution of the United States to its credit. "The business being thus closed," Washington wrote in his Diary, "the members adjourned to the City Tavern, dined together and took a cordial leave of each other." Mr. Beck quotes this passage; he also quotes a "wish" of Dr. Franklin on another occasion that "it were possible to invent a method of embalming drowned persons in such a manner that they may be recalled to life at any period however distant; for, having a very urgent desire to see and observe the state of America a hundred years hence, I should prefer to any ordinary death being immersed in a cask of Madeira wine with a few friends till that time, to be then recalled to life by the solar warmth of my dear country." Mr. Beck takes advantage of the few lines in Washington's *Diary* and of Franklin's "wish" to have the thirty-nine signers of the Constitution take a turn through the City of Philadelphia on the night of the 17th of September 1887, a hundred years later, when a grateful nation was celebrating the success of their labors.

Between the chapters highly imaginative and interesting on "Franklin Gives a Dinner" and "A Century Later," Mr. Beck sketches the federal convention, its organization, its procedure, its difficulties, its compromises, its successes, and even its failures. He makes a great Virginian and a great Pennsylvanian the heroes of the convention and in so doing adds a human touch, rendering the story of the Constitution as fascinating as a novel.

✓ Mr. Beck's volume is not only interesting, it is good and it is timely. It is based upon a minute study of Madison's *Debates in the Federal Convention*, and a careful reading of the other contemporary records. He has frequent words of praise for Luther Martin, delegate from Maryland, who stood like a rock for the rights of the small states

without which it is probable that we should have had no union of the states, certainly no peaceable or successful one. Mr. Beck praises the signers of the Constitution, but he is also fair to its opponents, as is rarely the case. Praise of Washington and Madison, and of Franklin and Wilson, is wholly consistent with justice to George Mason and Luther Martin.

"There is nothing so painful in the world as to think,"—Mr. Joseph H. Choate used to say. Hence we live in the craze of the new with a prejudice against the old because it is old,—and the Constitution is the oldest existing instrument of government. But thanks to its flexibility it is likewise the newest of constitutions. The federal government is a government of equal states in a union of their making, and those states amend the constitution at any time. There is ample room for improvement and for progress, provided the unthinking do not commit the folly (against which Marshall sounded a note of warning a century ago) of trying to compound the American people into one common mass instead of leaving them, through their individual states, to exercise wisely their sovereign power. Mr. Beck's book is as a word in season.

JAMES BROWN SCOTT.

Washington, D. C.

The Federal Trade Commission. By GERALD C. HENDERSON. (New Haven: Yale University Press. 1924. Pp. xiii, 382.)

No governmental problem in the United States today commands, and is deserving of, greater attention than the rapid and continuous extension of legal control of social and economic interests, and the consequent employment of administrative agencies, in conjunction with the courts of law, for the application and enforcement of legislative policy. Convinced of the need and opportunity for research in this field, the Legal Research Committee of the Commonwealth Fund, acting upon the recommendation of its special committee on Administrative Law and Practice, has authorized investigations along two different lines: (1) A statutory survey of administrative powers for the purpose of showing the extent to which administrative control has actually been conferred; and (2) A series of intensive studies aimed to reveal the workings of certain administrative organs endowed with such powers of control. The present volume is the first of this latter series to be published.

Mr. Henderson prefaces his treatment of the Federal Trade Commission by expressing a conviction that the Commission has a valuable

and important function to perform, and that its present defects can be corrected by changes of method and procedure or by minor legislative amendments. He excludes from his discussion those functions of the Commission which are not quasi-judicial in character, such as the collection of corporation reports, the conduct of special investigations, and the supervision of export trade associations.

Chapter I is devoted to the history of anti-trust legislation in the United States. The difficulties encountered in the enactment and enforcement of the Sherman Act are explained; the effect of court decisions, particularly in the application of the "rule of reason," is discussed; and the demand for a modification of the law regulating combinations and trusts, which culminated in the passage of the Federal Trade Commission and Clayton Acts in 1914, is analyzed. A thorough review of the legislation of 1914 is undertaken to show that those who had hoped to clarify the law of restraints and monopolies by substituting specific rules of conduct for general principles had largely failed; whereas both statutes were a decided victory for those who doubted the efficacy of legislative codification, and placed their reliance instead upon the development of rules and precedents by the gradual process of interpretation and decision of controversies by administrative and judicial tribunals.

In Chapter II the writer describes the procedure by which the Commission arrives at its findings of fact, and in Chapter III he comments upon, and criticizes, the form and quality of those findings. From the point of view of organization, the Commission's most important and most difficult task is that of maintaining a distinct separation between its prosecuting capacity and its judicial capacity—a task which, in the opinion of Mr. Henderson, the present procedure of the Commission does not enable it to accomplish. The form and content of the Commission's findings are criticized: (a) for their failure to present a fair statement of the respondent's side of a case; (b) because formal findings are made and published only in those cases in which the decision supports the charges of the Commission's complaint; (c) because formal and legalistic phraseology is employed in preference to simple narrative or descriptive statements of happenings and circumstances and signed opinions;¹ and (d) because of the practice of revis-

¹ The writer's views on this point coincide with those expressed by the first chairman of the commission, Hon. Joseph E. Davies. See his discussion of the Federal Trade Commission in a series of lectures delivered before the Bar Association of St. Louis on "The Growth of American Administrative Law" (1923), p. 85.

ing stipulated facts, of omitting matters favorable to respondents, and interpolating findings which are thought to strengthen the Commission's case.

Chapters IV and V present a detailed analysis and criticism of the work of the Commission in handling various types of cases, which are grouped into two major categories: those which involve an element of fraud or dishonesty, and those which involve practices not dishonest, but for some other reason supposed to be restrictive of fair competition. Limitations in the powers and procedure of the Commission are explained, and the value of its contributions estimated.

In conclusion, Mr. Henderson reiterates his conviction that the fundamental policy embodied in the Federal Trade Commission Act is sound, and that the Commission itself is in a position to render services of great value to the business community and to the country as a whole. An appendix contains the complete text of the Federal Trade Commission Act and those sections of the Clayton Act which concern the Commission. Case and topical indexes are offered for the guidance of readers. The entire book gives evidence of thorough and unbiased research. Students of American administrative law will welcome the appearance of other volumes in this series.

LLOYD M. SHORT.

University of Missouri.

American State Government. By JOHN MABRY MATHEWS. (New York: D. Appleton and Company. 1924. Pp. xv, 660.)

Professor Mathews is a recognized authority on state government by reason of his *Principles of American State Administration* (New York, 1917) his articles in the *American Political Science Review* and in other periodicals, and his official researches in connection with the Illinois and Oregon efficiency and economy commissions. The reader, therefore, will expect much of this book and in this expectation he will not be disappointed.

The present volume is more than a mere revision and compilation of Dr. Mathews' earlier writings although naturally he has made considerable use of their contents. *American State Government* starts with the thesis that "neither the national nor the local governments may be profitably studied or thoroughly understood as isolated phenomena without reference to their relations to the states." Hence, "the states occupy a pivotal position and form the most essential part of a study of the whole American governmental system." Accordingly,

the author devotes two chapters to federal and state relations and one chapter, supplemented by four appendices, to local government. As for the other parts of the book, the electorate, the legislature, and the judiciary receive two chapters each, the state constitution one chapter, while the remaining eight chapters deal with the executive, administrative organization, taxation and finance, regulation of business corporations, labor legislation, and other special topics.

Certain features stand out in the writer's treatment of his subject. In the first place, state government is described as a going concern with only a limited amount of historical material included as a background. Particular attention is given to administrative functions and to constitutional and legal questions. Secondly, Professor Mathews not only explains existing institutions but freely criticizes them and offers constructive suggestions. In most cases, these suggestions will meet with general approval but a few of them are more debatable. For instance, while the author believes that the state legislature should be a unicameral body, he is of the opinion that the bicameral legislature might be somewhat reformed "by giving one house the sole power of introducing bills and the other the sole power of passing them" (p. 204). It may well be doubted whether such an arrangement "would promote a concentration of attention by each house upon its special function." Finally, the book is designed to serve the college student and the general reader; in order to facilitate further investigation, selected lists of references are appended to most of the chapters. At the end of the volume are reprinted nine valuable articles on state and local government, including, among other things, the National Municipal League's "Model State Constitution."

American State Government is written in a clear style and with careful attention to details. Nevertheless, there are a number of minor errors. The executive veto, established in South Carolina by the constitution of 1776, was absolute and not qualified (p. 144); it was abolished in 1778. Under the stimulus of federal grants-in-aid, vocational rehabilitation of disabled workmen has been begun in thirty-six states instead of "in a few states" (p. 385). On pp. 163-4, the following statement occurs: "Most new movements and so-called radical ideas which point the way of progress and endanger the hold of the majority political party emanate from the cities, while the rural districts are inclined to be more conservative." It would be difficult to prove this from American history. What shall be said of the "embattled farmers" in their periodic rôle as political Lochinvars? Aside from a

few inaccuracies of this sort, the book deserves high praise and should be ranked with the standard works of Holcombe and Dodd.

ROGER H. WELLS.

Bryn Mawr College.

An Outline of Municipal Government. By CHESTER C. MAXEY. (New York: Doubleday, Page & Company. 1924. Pp. xv, 388.)

Readings in Municipal Government. By CHESTER C. MAXEY. (New York: Doubleday, Page & Company. 1924. Pp. xiv, 627.)

These two volumes by Prof. Maxey make a valuable addition to the textbooks available for college courses in municipal government. In the Preface to the "*Outline of Municipal Government*" the author indicates the limits of his own work when he says, "It is essentially an outline and it is intended to perform somewhat the same function with reference to the study of municipal government that a blueprint does in architecture." To this specification he has strictly adhered. He has produced a simple, clear, brief and substantially accurate outline covering the whole field of municipal government and administration. This volume contributes nothing that is novel in the interpretation of the phenomena with which it deals nor does it offer any information which is not already widely disseminated among mature students of municipal affairs. It is, as it purports to be, a text and nothing more, withal an excellent text of its type. Prof. Maxey belongs to that class of college teachers who believe that a college text should serve as a mere outline base for the course, the details of which are to be supplied by lectures and by reading in what he calls "primary sources." Naturally one of the chief characteristics of such a text is its brevity. The subject of the structure of city government is dealt with in thirty-five pages. The whole matter of "municipal government" including the chapter on the Civil Service, which perhaps properly might be included in the following division of the work, is dealt with in one hundred twenty-seven pages. "Municipal functions," public safety, public works, utilities, welfare, education and so forth get one hundred seventy-two pages. Municipal finance with seventy-six pages receives a relatively greater degree of attention than in other works on municipal government with which this might be compared.

As might be expected under the circumstances, the author's method results in a skeleton treatment of the subject without that body of substantial material which would entitle it to stand alone as an authority on municipal government and administration. Within its limita-

tions, however, the work is excellently done and it will be found exceedingly useful as a textbook. In general the book contains the material which one would expect to find. The author, however, has introduced a chapter on the administration of justice, the inclusion of which in a work on municipal government will meet with some criticism.

The volume of readings presents in convenient and accessible form a considerable body of material otherwise unavailable for student use. It is mostly made up of surveys and reports relating to particular cities or to particular problems. Singularly enough, it contains no selection from any city charter actually in force or from any state law relative to municipal government. This is not the place to discuss what constitutes "source material" in municipal government, but a glance at the Table of Contents of the *Readings* will raise the question in the mind of every student. The selections, however, have been carefully and intelligently made and the two volumes taken together make a thoroughly workable basis for a good course in municipal government and administration. Prof. Maxey has deliberately tried to be useful rather than profound and he is entitled to very great credit for the accuracy and clearness which characterize his work.

THOMAS H. REED.

University of Michigan.

The Political Parties of To-day. BY ARTHUR N. HOLCOMBE. (New York: Harper and Brothers. 1924. Pp. viii, 399.)

The "Riddle of the Parties," runs the caption selected by a contemporary historian for a chapter in which he says: "There seems to be a conspiracy, not of silence, but of volubility, to conceal the real meaning of the parties." Professor Holcombe's book brings valuable assistance to those who would solve the riddle, especially with respect to the Democratic and Republican parties in the politics of the United States; it is essentially an examination and explanation of the composition of these two parties.

At the outset the author gravely questions the fairness of the characterization of the present parties as "empty bottles" in comparison with those of Bryce's earlier days, those observed by De Tocqueville, or even those castigated but employed by the Founding Fathers.

Accepting, at least for the purpose of investigation, the realistic view of party, as did Professor Anson D. Morse—that its immediate end is the advancement of the interests of the particular group or groups which it represents—the author believes that the "ambitious

and realistic politician" would find the issues which he might profitably employ in building up a national party limited to those with which the national government is competent to deal, and that among these the problems of commerce, finance and territory would most vitally concern the greater portion of the population. An appeal must be made to the distinctly economic interests of the citizen.

"From the Land Ordinance of 1785 to the Pre-emption Act of 1841, the Homestead Act of 1862, the Reclamation Act of 1902, and the Conservation Movement of recent times, the problem of land settlement, and the problems which grew out of that problem, afforded more valuable material for effecting partisan combinations than any other subject to which the federal power extends." (p. 33.)

The national politician will naturally place first the interests which control the greatest number of states and congressional districts. Mere numbers, scattered uniformly throughout the country, are relatively useless, hence "national politics is inseparable from sectional politics" (p. 40). "The nature of the American federal system requires the organization of national parties upon a sectional basis" (p. 82). The farmers, manufacturers, factory workers, and miners will constitute the most influential groups politically.

In chapter four Professor Holcombe develops the evidences and illustrations of his thesis that national parties are not based upon casual or temporary groupings ranged in support of grab-bag party platforms, but rather upon coalitions of economic interest-groups more or less enduringly combined in arrangements which seem to each group more effectively to promote or preserve its interests than any other apparent or immediately possible alignments. Upon the basis of relative party strength at the elections of 1860, 1876, 1896, 1920, twelve political sections are discovered. No definite relationship is found to exist between the prevalence of one party or the other and the urban or rural character of an area. Both parties are farmer, labor, business-man parties. But an examination of party strength in the metropolitan, urban, semi-urban, and rural congressional districts of the twelve agricultural regions recognized by the United States Department of Agriculture," lets in the light upon the realities of national politics." The regional economic influences are reflected in the distribution of partisan strength among the political sections into which the country is divided.

The central portion of the book is devoted to a detailed historical analysis of the partisan alignment of sections from the time when

cotton was king to the present. Strikingly there appears the regrouping of sections precipitated when the silver issue was forced upon the country, making the east more or less permanently conservative, as the north had coalesced into opposition to the extension of slavery when the Republican party took the field in 1856 and 1860. One sees that issues do not separate parties, but destroy them. That parties may succeed one another in office without affecting materially the persisting combination of sections is evidenced by the relative stability of the distribution of party strength during the periods 1902-1910 and 1910-1920, as well as by the continued allegiance of sections to their respective parties from 1872 to 1892. Professor Holcombe would deny that "parties, like fishes, are steered by their tails."

The concluding chapters deal with the function of minor parties and the future of the bi-partisan tradition. The relative infrequency and weakness of third parties are attributed to the limited field of national power, the method of electing the president, and the use of primary elections in selecting party candidates for Congress. "The prospects for such a realignment of parties (Conservative against Liberal) are not bright." The national politician desires a relatively durable and at the same time not too inharmonious combination of interests. Of a question other than such as fit in with these desires, perhaps Senator Key Pittman is right: "You've got to take it out of politics or you can't win." The author believes however, that one or another of two new combinations of sectional interests might be formed,—either the graingrowers and the urban industrial wage-earners, or the more strictly agrarian elements, north and south. No party which represents only a single interest can attain great power in national affairs—a fact which constituted in Madison's opinion one advantage of an extensive national domain for the republic.

Professor Holcombe has conducted his study logically, building in effectively the materials of party history. The student of politics will profit by contact with this acute analysis of party composition and will experience difficulty in sustaining an attack upon the author's conclusions. The reviewer is somewhat perturbed over the 117 close congressional districts lying within agricultural regions where one or the other party may show fairly decisive predominance. Why should these particular districts be close?

It is probably true, as former Representative Pell is reported to have said, that every great party must possess a "foundation of fools," but perhaps these could be furnished by the 75 per cent of

the voters who are governed by tradition, according to Professor Merriam, as well as by those who are consciously aware of any regional economic interest. Both Bryce and A. D. Morse have expressed the opinion that sectional groupings may be giving way in the United States to divisions drawn by horizontal lines. The progress in this direction does not seem to have been rapid nor extensive, but the increasing urbanization of the country may be blurring the strictly sectional differences.

RALPH S. BOOTS.

University of Nebraska.

Non-Voting: Causes and Methods of Control. By C. E. MERRIAM and H. F. GOSNELL. (Chicago: University of Chicago Press. 1924. Pp. 287.)

If scientific methods seem hitherto to have found too little favor with American politicians, political scientists must admit that they themselves are largely to blame. Consider, for instance, the matter of voting at public elections. For years there has been discussion of the problem of nonvoting on the part of duly qualified electors. There has been much controversy over proposed remedies for the alleged evil, such as compulsory voting. But political scientists have been no less backward than politicians in applying the methods of science to the solution of the problem. Too long they have contented themselves with "academic" arguments founded on conjecture and hearsay, while the data upon which alone a valid judgment could be based have remained obscure.

Now come Professor Merriam and Dr. Gosnell with their study of the causes of nonvoting at the Chicago mayoralty election of April 3, 1923. They give us the facts. They asked some six thousand nonvoters at that election to explain why they failed to vote. They chose these nonvoters in such a way as to form as fair a sample as possible of the whole body of nonvoters. They tabulated and analyzed the answers to their questions. They really know what reasons weighed most heavily in the minds of the nonvoters at that particular election. They can draw sound inferences concerning the methods of dealing with nonvoters likely to prove most efficacious at other elections conducted under similar conditions. Their work is a solid specimen of applied political science, for which teachers of government everywhere will feel deeply grateful.

But it is not enough, as Messrs. Merriam and Gosnell themselves

have pointed out, to make a study of the causes of nonvoting at one election in one city. We need to check the results of this investigation by similar studies in other places under different conditions. Probably presidential elections would reward the scientific inquirer more richly than local elections. But on the basis of this first experiment at Chicago it ought to be possible to make a series of investigations by means of which a political scientist could pronounce a final judgment on such expedients as compulsory voting with all the assurance of a chemist proving the quality of a new paint-remover or a biologist testing a germicide.

A. N. HOLCOMBE.

Harvard University.

The Origins of the War of 1870. New Documents from the German Archives. By ROBERT HOWARD LORD. (Cambridge: Harvard University Press. 1924. Pp. xv, 305.)

One of the principal gaps hitherto existing in the documentary materials for the story of the fateful ten days of July 1870 is filled by this publication of the correspondence which passed through the German Foreign Office during that period. A number of documents from the Austrian and Spanish archives are added, which throw still further light on certain phases of the incident. In a concise and thoroughly adequate introduction of 115 pages, Professor Lord has correlated this new material with all the older evidence, checking every possible detail and reconstructing the German side of the negotiations with a close approach to completeness. Although there is room for differences of opinion on the interpretation of certain documents, this account is as solid in structure as it is readable in form, and escape from its conclusions is difficult.

The verdict on responsibility for the outcome of the incident, which emerges from both narrative and documents, turns heavily against Bismarck. Concerning the phases preceding his avowed decision, reached by July 12, to turn it into an occasion of war, Professor Lord observes: "That since the beginning of the crisis in July he had maintained a perfectly intransigent attitude, which, but for the action of the King and the Hohenzollerns, would have made war inevitable, can scarcely be denied, although his aims during the earlier period . . . are not so clear" (p. 70). A noteworthy point is made of the "summons to explain her intentions" which the Chancellor proposed to address to France after the Hohenzollern candidacy had been with-

drawn and before he had learned of the French demand for guaranties against its renewal. Had France not thus reopened the incident, such a project insured, as Professor Lord puts it, that "there would still have been a war, nevertheless" (p. 99).

As a study in war responsibilities, the interest of this work transcends even the fact that it deals with the origin of the latest European struggle which preceded the war of 1914 and laid the foundations of the international order out of which the recent conflict arose. So successfully did Bismarck conceal his own moves and take advantage of his opponents' blunders that public opinion in his own country and, indeed, in the world at large, confidently exculpated Germany and condemned France. Certainly the French government of the period can never escape a due share of blame for its reckless and arrogant conduct; but Bismarck now occupies the pillory beside Gramont. Students of the origin of the late war should, therefore, find food for thought in the statement: "In the eyes of the German public the *Kriegsschuldfrage* for 1870 was as definitely settled against France as in the minds of the French public today the similar question about 1914 is settled against Germany.

JOSEPH V. FULLER.

University of Wisconsin.

BRIEFER NOTICES

In the field of state government several reports have been published during the past two or three years, which merit comment. A special commission on state administration and expenditures made to the Massachusetts general court in January, 1922, a report which may well serve as a model of clear and systematic presentation. The commission was created primarily for the purpose of considering the extent to which the state administrative reorganization in Massachusetts complied with the requirements of the constitutional amendment in that state. The report limits itself to a consideration of state governmental problems. Both in its brevity and in its manner of discussion, the report is worthy of study and imitation.

In 1923, a plan of reorganization of state departments, boards and commissions (p. 260) was submitted by the state auditor of North Carolina, to the governor and general assembly. This proposed a plan of sixteen administrative departments and a number of advisory and non executive boards. Thirty-nine boards and commissions would

be abolished, and their functions transferred to one of the proposed departments.

A committee on simplification and economy of state and local government made a report to the general assembly of Virginia in January, 1924. This report (p. 234) deals with problems of both state and local government, although local government receives relatively slight attention. So far as it deals with state government, the report is compact and clear cut. It is based upon an understanding of the specific problems local to the state of Virginia.

The most extensive of recent reports in the field of state government is the report of the efficiency commission of Kentucky on the government of Kentucky, submitted to the governor and general assembly of Kentucky on January 1, 1924. Several sections of this report were first published in a series of pamphlets, and the complete report is included in two large volumes (pp. 672, 707). About half of the first volume deals with finances and taxation, and the remainder of this volume includes sections on administrative organization, general assembly, judiciary and county government. The second volume includes a more detailed discussion of the administrative departments and activities. A good deal of the work in this report is well done, but the different portions of the report are of unequal value. Many of them are based upon what appears to be an inadequate investigation of conditions in the state of Kentucky. Some of them could apparently have been written without specific investigation of the detailed problems of the state to which the report relates. Throughout a number of the specific investigations contained in the two volumes one is struck at times by an attitude, such as is indicated in the following statement, with reference to the commission system of county government in Kentucky (Vol. I, p. 573): "But even without specific investigation into the merits of the commission plan as actually functioning in Kentucky it is safe to assert, in the light of overwhelming experience in the counties and cities of other states, that a small board representing larger units and elected specifically to the governing or fiscal board as such (rather than as an incidental to judicial office) is the preferable type." This is, of course, the easier and simpler way of disposing of governmental problems, but students of government and probably the general assembly of Kentucky would be more aided by the presentation of the results of a specific and detailed investigation in this matter.

A study on administration of the state of Minnesota (p. 71), pre-

pared by the Municipal Reference Bureau of the state university, has been issued under the auspices of the League of Minnesota Municipalities. This gives an account of the existing system of administration, with a number of charts.

An organization chart of the executive branch of the government of the state of Indiana, compiled by Professor Frank B. Bates of Indiana University, has recently been published.

A History of Political Ideas by C. R. Morris and Mary Morris (G. P. Putnam's Sons, pp. xii, 190) does not attempt to cover the entire history of political thought. It is interpretive and critical rather than historical in its point of view. A brief chapter on Plato and Aristotle is followed by a discussion of the Roman Empire. Chapter III on the Middle Ages is the best chapter in the book, and represents the results of the revived interest in medieval political theory among English scholars. Chapter IV deals with the Reformation and the absolute sovereignty doctrines of Hobbes. Chapter V is an appreciative study of Rousseau's theory of general will. After Rousseau, only Austin, Green, Hegel and Bosanquet are given consideration. The last chapter, on Modern Theories of the State, is decidedly unsatisfactory.

More than half of the entire volume is devoted to a discussion of Hobbes, Rousseau, Green, and Bosanquet. Locke, who is cited in the index as Richard (?) Locke, is given one scant page. No attention is given to the development of political thought outside of England during the past century, and the work of the pluralists, even in England, is referred to only indirectly. As a study of certain phases in the development of the theory of the nature of the state and of its sovereignty, the volume has some value. Its title is misleading to one who expects a survey of the general field of political theory. Its aim is to "estimate the permanent contribution which certain fundamental ideas have offered toward the advancement of human political wisdom."

Conservatism, Radicalism, and Scientific Method, an Essay on Social Attitudes, by A. B. Wolfe (Macmillan, pp. xiv, 354) is an economist's view of social psychology and social ethics rather than a treatise on politics. Professor Wolfe is concerned with conservatism in general rather than with political, economic, religious, or aesthetic conservatism; he does not raise the question whether the true conservative is conservative on all issues. Probably the most interesting parts of

the book are those dealing with the motivation and characteristics of conservatism and radicalism, and with the contrast between the scientific attitude and "popular-mindedness." Professor Wolfe starts on the assumption of a consistent, mechanistic, deterministic view of nature and adheres to behavioristic psychology "as the only psychology which gives promise of consistent scientific quality." He believes that his ethics, revised utilitarianism, are given an objective scientific basis by this new psychology. The author is apparently only half conscious of the breach he makes in his mechanistic-behavioristic structure when he wishes to control further developments by an improved human character, not only guided by science but converted to Christianity.

These Eventful Years (Encyclopaedia Britannica Co., 2 volumes, pp. 692, 661) is a compilation of articles on recent history and events by some of the foremost living authorities. After an introduction of about two hundred pages giving a general survey of developments during the last decade, there follow eleven chapters devoted to the World War, its causes, diplomacy, how the war was actually carried on, the most important battles on land and sea, etc. Next come eight chapters dealing with some of the results of the war and covering such subjects as the League of Nations, reparations, taxation, social unrest, wages and so on. After this there are over thirty chapters, each outlining the principal events during the twentieth century in the various countries or sections of the world. For example, there is in this part of the work a chapter on "Ireland's Problems" by Sir Horace Plunkett, "The United States Becomes a World Power" by John H. Latané, "Belgium as I Saw It" by Brand Whitlock, and "Japan Enters the World Arena" by M. Hanihara. The work is brought to a close with about twenty chapters on recent developments and tendencies in education, religion, exploration, science and invention, literature, music and art. The list of contributors is a most imposing one containing the names of leading authorities from all parts of the world, many of whom have played an active part in the events which they relate. To name them all would be tedious but in addition to those mentioned above the contributors include Admiral Jellicoe, Rear-Admiral Sims, General Ludendorff, Colonel Edward M. House, Sir Valentine Chirol, H. G. Wells, Bertrand Russell, Professor J. Arthur Thomson, Madame Curie, James Brown Scott, President Angell of Yale, Professors Thomas N. Carver, Charles H. Haring and Carleton J. H. Hayes. The work is of value, therefore, not only for

its timeliness but also because of the reputation of its authors and the fact that it presents widely differing views on questions that are so close at hand as to require varying interpretations.

The New Larned History for Ready Reference, Reading and Research (C. A. Nichols Publishing Co., Springfield, Mass., 12 volumes, pp. 10, 855), the individual volumes of which have been described from time to time in the *Review* during the last two years, is now complete with the appearance of the twelfth volume. The work is of especial value to students and teachers of government because of the emphasis placed upon political events and the attention paid to constitutions and constitutional history. For example, the reader will find here the constitutions of practically all the civilized countries of the world including the new states of Europe, the Irish Free State, etc., together with their history. For each state in the American Union there is a detailed outline of its history and an account of recent developments in government. Almost an entire volume is devoted to the World War and the treaty of peace and there is a long section dealing with the League of Nations. The usefulness of the compilation is increased by numerous cross references, selected bibliographies and an eighty-page list of works from which quotations are taken. This valuable and convenient work should have a place in every reference library and in every complete collection of books on history and political science.

Among the recent publications of the Yale University Press are two books containing some of the lectures delivered at the Institute of Politics at Williamstown in 1923. *Approaches to World Problems* (pp. 126) includes an address by the Earl of Birkenhead on "Problems Left by the Great War;" an address by General Tasker H. Bliss on "World Relations in Their Bearing on International Peace and War;" and discussions by Philip Henry Kerr of "World Problems Today," such as Africa and Asia, peace plans of today and international law and world peace. *The Greatest Experiment in History* (pp. viii, 216) by Sir Edward Grigg is an account of the growth of the British Empire and some of its immediate problems. Among the most interesting of the lectures are those on the Near Eastern question, British imperialism in Egypt, India yesterday and today, American and British imperialism compared. Sir Edward has a most happy method of expressing his ideas and the book is not only stimulating but readable from cover to cover.

The University of Chicago Press has recently published the Harris Foundation lectures for 1924 in three volumes; *The Occident and the Orient*, by Sir Valentine Chirol; *Germany in Transition*, by Professor Herbert Kraus; and *The Stabilization of Europe*, by Charles de Visscher (pp. xi, 190), professor of international law at the University of Ghent. The lectures cover about three-fourths of the last-named book, the remaining pages reproducing the texts of the Treaties of Mutual Assistance and of Disarmament and Security, and the Protocol for the Pacific Settlement of International Disputes.

In these lectures Professor de Visscher devotes himself particularly to the problems of the minorities and of security, with which is closely related the economic readjustment of the countries concerned. He regards the problem of nationalities as a fundamental moral European problem and shows how the plebiscites have reflected this problem. From the economic point of view the problem of European communications is contrasted with the American, and the marked progress in international regulation is explained.

The author emphasizes the need of established military sanctions if Europe is to be secure, even though other sanctions may aid, but self-interest will be an important factor, as military and political policies may not be identical. The only place where European and other political problems may be discussed impartially is Geneva, and the League of Nations is the sole organization functioning in their solution. Professor de Visscher says of the League, "in spite of everything, it is for Europe the only light in the midst of darkness, to guide the efforts of men of good will."

The Reasonableness of the Law: The Adaptation of Legal Sanctions to the Needs of Society by Charles W. Bacon and Franklyn S. Morse (G. P. Putnam's Sons, pp. xii, 400) aims to introduce the layman to the essential principles and lines of development in some of the major departments of American jurisprudence. After a brief introductory sketch of the origins of our governmental systems, state and federal, a section is devoted to each of the following fields: Constitutional Law, the American Common Law, Equity, International Law, and Statute Law. The method used throughout is to present in brief compass a statement of the legal principle under discussion and to support it by a rather lengthy quotation from a judicial opinion. Apart from the stylistic disadvantages involved in this method it has necessitated such compression of the text material as to impart a somewhat dogmatic

tone to the whole book, while the excerpts from the decisions are not extensive enough to be of much independent value. The book has its use, however, as a nontechnical presentation of material usually beyond the reach of the layman.

Lectures on Legal Topics (Macmillan, pp. 591) is a collection of addresses delivered before the Association of the Bar of the City of New York during the court year 1920-1921. Many of the thirty-seven lectures are of interest only to the practitioner. Those of more general interest are the papers relating to legal education by Professors Austin W. Scott, Charles K. Burdick, and Dean Harlan F. Stone, the address of Mr. Elihu Root on "The Permanent Court of International Justice," and that of Mr. George W. Wickersham on "The Office of the Attorney-General." Other papers relate to the municipal court of New York City, the Workmen's Compensation Act of the State of New York, and the state taxation of corporations engaged in interstate commerce.

Professor Karl Gereis's *Introduction to the Study of Law* has been translated from the German by Albert Kocourek and is published by The Macmillan Company (pp. 375) in the Modern Legal Philosophy Series. It is a systematic survey of law and of the principles of legal study, a book not merely to read but to think through.

International Law Decisions and Notes (Naval War College, pp. 212) is a collection of cases relating to maritime warfare decided during the world war, some of which show the wide departure from earlier precedents which the prize courts of some of the belligerent countries made, at least in the latter part of hostilities.

Prisoners of War by Herbert C. Fooks (Stowell Printing Co., pp. 456) is one of the few studies made upon an important aspect of modern warfare—in the war of 1870-71, 300,000 prisoners were captured, while in the world war, the Americans alone captured 450,000 Germans. Mr. Fooks examines the meaning of "prisoners of war" and discusses such subjects as the transportation of prisoners; the organization, police and discipline of prison camps; the special disposition of officers, and the question of parole.

Nationalism and Religion in America: 1774-1789 by Edward Frank Humphrey (Chipman Law Publishing Company, pp. viii, 536) has for

its general thesis that the same spirit of nationalism which brought about the War of Independence and the Constitution of the United States caused also the nationalizing and reorganization of the various colonial churches, and that the same persons and the same ideas were responsible for the similar developments in church and state. The book is in three parts. Most of Part II is simply the constitutional history of the various religious groups. Part III is a series of chapters discussing rather briefly the influence of churches and their members on the constitutional history of America after the declaration of independence. Part I is of greatest interest to the political scientist. It is a study of the political theories of the church organizations and of individual churchmen on the subject of separation from England. It shows that clergy and laity not only felt alike on political questions, but felt alike for like reasons. Though the evidence reveals nothing very new, the author does a service in collecting it, and in presenting it in such a way as to demonstrate a widespread and distinctively nationalistic spirit on the part of the churches.

It becomes increasingly evident that the field of state history has been unduly neglected. The development of constitutional ideas within the states is as interesting as changes in the Federal Constitution and a knowledge of state politics is indispensable for a proper understanding of national politics. Recognizing this, Allan Nevins wrote his recent volume on *The American States During and After the Revolution, 1775-1789*, Macmillan, pp. 728). Now for the first time we have a satisfactory conspectus of state history, as distinguished from national history, during the formative period. To weave thirteen strands into a single fabric without confusion is, as the author confesses, "a difficult task." He has accomplished it and thereby produced a book which is of especial value to students of government.

Anglo-American Relations During the Spanish-American War by Bertha Ann Reuter (Macmillan, pp. 208) is a piece of work that has long awaited the searchlight of the historical investigator. That Great Britain was friendly to the United States at the time of the Spanish-American War is well known, but the causes of that friendship, its extent, its drift, and expression have never been thoroughly analyzed. The materials in the form of newspapers, periodicals, speeches, and many volumes of biography, autobiography, and letters have been accessible but no one before Dr. Reuter has ever attempted a system-

atic investigation of them. She has studied with profit not only the press sentiment of the United States and Great Britain but that of the British dominions as well. Her treatment of the interplay between public opinion and governmental policy is especially good. Noteworthy also is the careful handling of the effect of Spanish-American troubles upon Anglo-American relations in the Far East and upon Anglo-American rapprochement between 1898 and 1900.

The State of the Nation by ex-Senator Albert J. Beveridge (Bobbs-Merrill, pp. 267) contains six essays dealing with current political problems, five of which appeared originally in *The Saturday Evening Post*. While frankly popular in character the volume is of genuine value and interest as embodying Mr. Beveridge's mature views on present-day political issues. The first paper voices approval of the policy of nonparticipation in the League of Nations and the World Court. In two essays devoted to the Supreme Court and its work it is suggested that the court itself should adopt a rule requiring the concurrence of six justices in order to invalidate an act of Congress. A chapter on the railroad problem discusses the Transportation Act of 1920, urges the voluntary federal incorporation of interstate railroads, criticizes the Labor Board, and attacks government ownership. The paper on "Republic or Bureaucracy" sounds a warning against the extension of federal administrative functions, particularly the "bureaucratic drill-mastering of American business." There is a chapter dealing with the election and powers of the President.

Under the editorship of Thomas H. Calvert there has been issued by the Edward Thompson Company (Northport, N. Y.) a series of three volumes entitled *The Constitution and the Courts* (pp. 1169, 1114, 478). The contents include a reprint of the well-known treatise on "The Growth of the Constitution in the Federal Convention of 1787" by William N. Meigs. Immediately following is a monograph on "Constitutional Constitution and Interpretation" by the editor. It is based upon a review of judicial decisions. The arrangement conforms to the constitution, clause by clause, with copious annotations. The editor believes that the collection of cited cases is practically complete. He has in any case incorporated a great mass of the most useful material, quite the most extensive compilation of its kind. The work has apparently been done with much assiduity and care. The commentaries and annotations on the constitution occupy the first

two volumes, while the third volume contains the supplemental notes and the index. Teachers of the constitution will find this series of great value.

Constitutional Doctrines of Justice Oliver Wendell Holmes by Dorsey Richardson (Johns Hopkins Press, pp. ix, 103), is a sympathetic study of the views which most students of constitutional law now associate with Mr. Justice Holmes. Had it been published in 1920, when it was prepared, it would have been more novel, but might have gained fewer readers. Since 1920 the great jurist's eightieth birthday has been marked by the publication of his *Collected Legal Papers*, and the attention of the public has been directed repeatedly both to the beauty and vigor of his diction and to the breadth and freshness of his thought. "The life of the law . . . has been experience. . . . But the present has a right to govern itself so far as it can. . . ." How he has applied such a legal philosophy to constitutional questions during nearly forty years of service on the bench this monograph explains.

The Stafford Little lectures recently given by Charles Warren at Princeton have been published under the title *The Supreme Court and Sovereign States* by the Princeton University Press. The lectures have been enriched by the addition of notes and appendices.

The Evolution of a Politician by R. D. Bowden (The Stratford Company, pp. 248) strikes hard but not always well-measured blows at present political life and the conduct of government in the United States. Some of the author's criticisms are well founded but few persons of judicious mind would agree that government and politics have been as thoroughly controlled and corrupted as he pictures by so-called "big-business," "monopoly corporations," "predatory wealth" etc., which is the central theme of the book. The author's program for reform is a far-sweeping and ambitious one and includes the following: (1) changes in political procedure such as the adoption of the short ballot, nonpartisan primaries, proportional representation; (2) congressional and administrative reforms including a seven-year term for the President, a responsible cabinet, a reorganization of the committee system in Congress; (3) political education.

The A. L. Burt Company has published *A Dictionary of American Politics* compiled by E. C. Smith (pp. 496). It includes brief accounts

of parties, measures, and men, explanations of political phrases, notable sayings, slogans, nicknames, and kindred things. While not exhaustive in the ordinary sense, the volume includes most of the odds and ends that any ordinary man would have occasion to go searching for. It is a useful addition to the existing stock of handbooks for ready reference.

A third edition of Professor P. Orman Ray's *Introduction to Political Parties and Practical Politics* has been published by Scribner's (pp. 691). Although the plan of the two earlier editions has been generally followed, virtually the entire book has been rewritten and much new material has been added. The references have been brought together into a single bibliography which is a model of its kind. A highly useful book has been notably improved, both in substance and in style, by this revision.

American Democracy Today by William Starr Myers (Princeton University Press, pp. 162) is a book of ten chapters on various aspects of contemporary American government—with such matters, for example, as presidential leadership, the position of the Senate, and democracy in war-time. The discussions in this volume would make good supplementary reading if used in connection with any one of the regular college textbooks.

William Allen White's *Woodrow Wilson* (Houghton, Mifflin & Co., pp. 527) is exactly what might be expected from its author—a brilliant survey, replete with trenchant passages, critical but sympathetic, with a never-failing emphasis on the dramatic and the picturesque. The book bears as its subtitle "The Man, his Times, and his Task," but not much is said about his times although there are occasional digressions into those fields of politics which happen to command the author's own interest. Mr. White has found biological explanations for the more outstanding Wilsonian traits, at least he believes that he has, and he works this thesis pretty hard. The heredity complex rather mars the book.

Among the several biographies that came from the press in time to do service during the presidential campaign, *The Preparation of Calvin Coolidge* by Robert A. Woods (Houghton, Mifflin & Co., pp. 288) is easily the best book in substance and in style. The author

begins with the assertion that the present incumbent of the White House underwent a more consistent and complete preparation for his high office than did any previous chief executive. Then he proceeds to trace this preparation, stage by stage, and through its long and varied course from Northampton to Washington by way of Boston. It is not mere adulation but a discriminating review, written with restraint and distinction.

To its series of books containing the writings and addresses of the Hon. Elihu Root, the Harvard University Press has recently added an eighth volume entitled *Men and Policies* (pp. 509). In addition to Mr. Root's addresses on various notable Americans (including Hamilton, Lincoln, Roosevelt, Cleveland and Choate) the present volume contains many of his war speeches, likewise his well-known Carnegie Hall address on the Constitution of the United States. A book with a very similar title is Senator George Wharton Pepper's *Men and Issues* (Duffield, pp. 308). It contains a series of stimulating and readable addresses on a variety of subjects ranging from the Permanent Court of International Justice to Practical Politics for the College Man.

Under the title *Our American Kings* (Century Company, pp. 257) Frederick L. Collins has included concise and illuminating pen-portraits of fourteen contemporary governors. The author has endeavored to tell who these men are, rather than to explain what they are doing. The book deals with interesting personalities, of course, and is decidedly readable.

The late Maurice F. Egan—journalist, diplomat, scholar, poet, critic, and happy warrior in divers other fields as well—left an autobiography which has now been published by Messrs. George H. Doran Company. It bears the appropriate title *Recollections of a Happy Life* (pp. 374). Wise, witty, and whimsical, it deals with life on two continents, and with the wide range of happenings that came within the author's ken. The reader will find in the book many interesting sidelights on the political history of the past fifty years.

The anonymous "Gentleman with a Duster" has given us another series of English political portraits, this time entitling his volume *The Windows of Westminster* (Putnam's, pp. 193). His incisive pen touches

up some of the more prominent members of the Unionist party, including Mr. Stanley Baldwin, Sir Robert Horne, Neville Chamberlain and a half dozen others. Those who recall the author's earlier *Mirrors of Downing Street* need not be assured that these pen-portraits are most skilfully drawn by one who (whoever he may be) is thoroughly versed in English politics and social life.

The volume of *Essays and Adventures of a Labor M. P.* by Josiah C. Wedgwood (Huebsch, pp. 263) contains twenty-two chapters which cover a wide range and are mostly of a reminiscent character. The author served in the Boer War, the Gallipoli campaign, and as a member of the Labor cabinet. On all these battle fronts he accumulated experiences which he now recounts to his readers in a more or less national vein.

In *The English Constitution in Transition, 1910-1924*, Sir John A. Marriott, M. P., has written a supplement to his well-known volume, *English Political Institutions*. This is an authoritative and judicious summary of the principal constitutional and political changes in the government of Great Britain and of the British Empire in the last fifteen years.

Professor L. M. Larson's *History of England and the British Commonwealth* (Holt, pp. 911) is the latest addition to useful textbooks in its field. The author has endeavored to feature those aspects of English history which have the greatest interest and significance for the American student.

A new edition of Clive Bigham's *Prime Ministers of Britain* has been issued by Messrs. E. P. Dutton & Co., bringing the survey down to 1924.

An English translation of Joseph Barthelémy's *Gouvernement de la France*, by J. Bayard Morris has been published by Brentano (pp. 222). The book will prove useful to American students not only as a general description of the French political system but by reason of the excellent chapters on such topics as foreign policy and public finance. Strange to say, Professor Barthelémy has given no attention to the French party system.

Denis Gwynn's *Catholic Reaction in France* (Macmillan, pp. 186) deals with the more important political phases of the Catholic movement in France during the past twenty years and especially since the war. The book is written from the standpoint of a sympathetic foreign observer.

The Collapse of Central Europe, by Karl F. Nowak (Dutton Company, pp. viii, 365) contains, as the result of extensive research, much important material about the political complications that arose in Germany, Bulgaria and especially Austria during the World War. It also traces the Haldane-Grey-von Kuhlmann plan for peaceful and joint economic expansion of England and Germany, intelligently explains the situation at Brest-Litovsk, and considers at length the Wilsonian influence upon the policies of Mittel-Europa. The book is over-organized, with resultant confusion, and, although fairly well documented, it has neither references nor bibliography.

The Present State of Germany by J. H. Morgan (Small, Maynard & Co., pp. 107) is a fair analysis of conditions in the Reich by an English military officer who has served on the Inter-Allied Commission of Control.

The Awakening of Italy, by Luigi Villari (Doran, pp. 292) is the story of Italian politics since the beginning of the war, written from a strongly Fascist point of view. This is the clearest and most forceful presentation of the case for Fascism that has thus far appeared in English.

We have seen no more vivid account of Russian conditions during the years 1917-1920 than that contained in Pitirini Sorokin's *Leaves from a Russian Diary* (Dutton, pp. 310). The author, who is now a professor in the University of Minnesota, gives a recital of his personal experiences and his narrative is more enlightening with respect to political and economic conditions than any essay on that subject could be.

The Evolution of French Canada by J. C. Bracq (Macmillan, pp. 467) deals not only with the history but with the achievements of the French-Canadian race, especially during the past hundred years. The author quotes from a great variety of sources, authoritative and otherwise, to

show how substantial these achievements have been. A Californian, writing of his native heath, could be no more partial to superlatives. On the whole, however, the book is well put together and its readability atones, in large part at least, for whatever it may lack in scientific discrimination.

The Political Novel by Morris E. Speare (Oxford University Press, pp. 377) is of equal interest to students of political science and of English literature. There is a good chapter, for example, on Disraeli's political philosophy as it appears in *Coningsby*, *Lothair*, and *Endymion*. There are equally interesting discussions of "George Eliot and Radicalism," and of the American political novel, more especially the writings of Winston Churchill and Paul Leicester Ford.

A comprehensive report of 600 pages, on *Public Employment Offices—their purpose, structure and methods*, has recently been issued by the Russell Sage Foundation. This is based on a five-year study, including more than seventy cities in the United States and Canada. The report recommends the establishment of a nation-wide system of public employment offices, in which the national, state, and local governments will coöperate, to be administered under a board composed of the secretaries of agriculture, commerce, and labor, with the assistance of a national advisory council, and local committees representing employers and employees.

Professor Harley Leist Lutz has written an excellent book entitled *Public Finance* (Appleton & Company, pp. xvi, 681). The object the author set himself was "to translate into concrete terms the principles which underlie the levy of taxes, the expenditure of public money and the use of public credit." He has given us a well-balanced volume of broad scope in which the complex data of the subject are handled with skill and judgment. In so far as it is possible to give adequate consideration to some three hundred topics in the scope of less than 700 pages, Professor Lutz shows a masterful hand. As an introduction to the subject, and particularly for the general reader, this new volume will be most useful.

A valuable study is the report on *The Government of Cincinnati and Hamilton County* (p. 531), based on a survey of the city and county governments and the business activities of the board of education,

made under the direction of Lent D. Upson for a survey committee of the republican executive and advisory committee of Hamilton County. This makes a number of recommendations for increasing revenue, decreasing expenses and increased efficiency; and proposes charter amendments for a small nonpartisan council and state legislation on taxes, budget and city-county consolidation.

The League of Minnesota Municipalities and Municipal Reference Bureau of the University of Minnesota have begun the issue of a series of pamphlet publications. These include the following titles: Municipal Budget; Municipal Home Rule in Minnesota; Administration of the State of Minnesota; Licensing Transient Merchants and Peddlers; and Statutory Limitations on Property Taxation.

The Oklahoma Bureau of Municipal Research in the state university has published a 200 page pamphlet on *Some Problems in Oklahoma Finance*, by Frederick F. Blachly and Mirriam E. Oatman.

A Study of the *Tax Problem in Wisconsin* has been published by the National Industrial Conference Board. This includes a comparison of state and local tax burdens, an examination of income and inheritance taxes, and the taxation of forest lands.

Although *Money*, by William Trufant Foster and Waddill Catchings (Houghton Mifflin Co., pp. viii, 409), is published for the Pollak Foundation for Economic Research, it is not a work of research, but an interesting and readable treatment of current business problems connected with the price level, bank credit, and the business cycle. The general reader will probably be more interested in the authors' treatment of a political problem of historical and current importance, the gold standard. Another book which brings out sharply the close relationship between modern economic and political problems is *Stabilization: An Economic Policy for Producers and Consumers*, by E. M. H. Lloyd (Knopf, pp. 141). The author pleads for stabilization of the general price level and of leading raw materials by government regulation and international agreement.

Outlines of Economic History in the Nineteenth Century (Ronald Press, pp. vi, 286) by Garrett Droppers, is a study based upon lectures given at Williams College. The emphasis in the narrative is

placed upon commerce and finance. Little space is given to industrial development. The views presented are those common to the older literature; perhaps from necessity, for it would certainly require more space to indulge in the refinement of statement that would be demanded by inclusion of the results of recent critical work. References to recent works, however, might have been included in the notes and references.

A noteworthy addition to available text-books is H. U. Faulkner's *American Economic History* (Harper's, pp. 721). It is well-balanced, temperate in tone, and workmanlike in execution, besides being written in a style that he who runs may read. Too much praise can hardly be given to the bibliographical apparatus which the author has provided at the end of each chapter.

Longmans, Green and Company have recently published a volume on *Internal Improvements and State Debt in Ohio*, by E. L. Bogart, of the University of Illinois.

J. B. Morman's *Farm Credits in the United States and Canada* (Macmillan, pp. 406) gives a comprehensive account of the farm loan and credit movement during the past ten years. It explains the question in all its phases, both economic and political.

Messrs. Benjamin H. Sanborn & Company are the publishers of a text-book on *Elementary Sociology* by Ross L. Finney (pp. 234), intended for use in high schools and junior colleges. It is called a "constructive" text-book, with the explanation that it is not primarily a discussion of "social problems." The author complains that the teaching of sociology has too heavily stressed the problems of poverty, crime, divorce and other social disorders. This emphasis has had a morbid effect on young minds, making them imagine that they ought to become agitators, reformers or social workers, and filling their heads "with queer, half-baked ideas." Professor Finney, therefore, sets himself to explain the normal rather than the abnormal functioning of social life. The book is well-arranged and clearly written. The questions at the end of each chapter are especially good.

Outlines of Introductory Sociology, by C. M. Chase (Harcourt, Brace & Co., pp. 980) is a book of selected readings which covers a wider

range than most publications of its type. In addition to the usual topics, for example, there are chapters on public health, capital and labor, and immigration. At the close of each chapter there are useful references.

A pamphlet report on *Forsyth County, Economic and Social*, by Charles N. Siewers, prepared under the department of rural social economics of the University of North Carolina, has been published by the University.

E. P. Dutton and Company have issued a volume on *Women and Leisure, a Study of Social Waste*, by Lorine Pruette, with an introduction by Harry Elmer Barnes.

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

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BRITISH POLICY AND THE BALANCE OF POWER¹

SIR ESME HOWARD

Among other curious legends about the Balance of Power which were assiduously circulated by German propagandist writers during the war and even before, and have since been repeated in that part of the Socialist press which takes its inspiration from Moscow, I have noticed a tendency which has spread even to reasonable Liberal papers—with a strong pacifist colour—to ascribe the origin and the birth of this doctrine to the machiavellian policy of British statesmen. Many times have I read denunciations of England on the ground that she invented this doctrine, to which are set down the innumerable wars from which Europe has suffered since the sixteenth century.

Now the fact of course is that it is not an English doctrine at all, although it became for quite obvious reasons, which were inevitable, a corner-stone of English policy, unconsciously during the sixteenth, subconsciously during the seventeenth, and consciously during the eighteenth, nineteenth and twentieth centuries, because for England it represented the only plan of preserving her own independence, political and economic. It matters little when the doctrine was actually first formulated—I had doubts about that and, therefore, I confess without shame, having no pretensions to learning, I betook myself to the En-

¹ Address before the American Political Science Association, December 29, 1924.

cyclopaedia Britannica and there found that it was first given definite shape as a doctrine by Grotius and afterwards became a current part of the equipment of every European statesman. The reason for this is obvious; so obvious indeed that one cannot but laugh aloud when learned writers of Teutonic and Muscovite origin seek to prove that it was invented by England for her own fell purposes and dark designs. In the words of the *Encyclopaedia Britannica*, which I quote because I cannot better them, the Balance of Power "is such a just equilibrium between nations as should prevent anyone of them from becoming sufficiently strong to enforce its will upon the rest." It is "in its essence no more than a precept of common sense born of experience and the instinct of self preservation."

The grand ideal of the Holy Roman Empire—European unity under a spiritual and a temporal chief—really ended with the division among his sons of the realm of Charlemagne and the Treaty of Verdun in 843 whereby, roughly speaking, modern Germany and modern France first came into being. And thus emerged that antagonism between these two races, that struggle for supremacy between them which, though obscured by the chaos of the middle ages, has been one of the principal causes of disturbance in Europe for centuries, and as one or the other threatened to dominate Europe, England acting on the instinct of self-preservation had to take the weaker side. During the sixteenth century Spain, owing to her alliance with the Hapsburgs and to the discovery of America, threatened to acquire a dominating position in Europe and on the seas, claiming a monopoly of the lands on the other side of the Atlantic, and England naturally came into conflict with her.

I have often wondered, standing beside the tomb of Don Juan, the only son of Ferdinand and Isabella, in the church of San Tomas in Avila, what changes might have occurred in the history of Europe and the world if that young man so full of promise had not prematurely died. One thing we can certainly say, which it would be difficult to say of any other: that if the young prince who lies there so beautifully carved in marble by the Florentine, Domenice Fancelli, had not died, the history

of the world would without doubt have been completely altered. For then, the tremendous energies of the Spain of that day would not have been sapped by long and weary wars to maintain her European possessions brought to her by the Hapsburg alliance, and Charles the Fifth would never have been at once German emperor and king of Spain. Instead of wasting the wealth she drew from her American colonies in futile attempts to keep the Netherlands, Spain might have used that wealth for her own internal development and become that great maritime and trading power, to which her geographical position and her great internal resources certainly entitled her. No country has ever paid so dearly for the temporary greatness that was forced on her by an evil fortune in the death of that young boy who lies in the wonderful tomb at Avila. That is, however, a digression, if a legitimate one.

Once then, the fear of the domination of Europe by the fortuitous Spanish-Austrian combination disappeared, the duel between Germany as such and France reappeared. Generally speaking, the threat of French domination lasted from the middle of the seventeenth century to the beginning of the nineteenth, from Louis XIV to Napoleon, and during this time we generally find England and France in collision, although as always there were what Prince Bülow once called some extra *tours de valse*.

After the defeat of Austria by Prussia in 1856 the star of the Germans, Prussianised under the influence of the descendants of the old Teutonic Order of Knights, was again in the ascendant and culminated in that pentecost of calamity, as Mr. Owen Wister has called it—the late war. This time, as the threat of domination came from Germany, England from an instinct of self-preservation, which has inspired her policy throughout the centuries, took once more what seemed the weaker side and once more helped to stay the domination of Europe by any one power.

I do not pretend that England has taken the side of the weaker in all these long centuries of war out of any specially chivalrous or quixotic sentiment, though no doubt this did to some extent influence her policy. Generally speaking, however, it was just

the instinct of self-preservation, the knowledge that any power which dominated Europe would probably dominate the seas, and that any power which dominated the seas would ultimately dominate England. All that is so clear that he who runs may read. For that reason, and that reason alone, the English, like every European people which valued their own independence above every other good, even a *Pax Romana* imposed on Europe by some modern Emperor, were prepared to fight to maintain the Balance of Power by which alone that independence should be secured.

But the really important question to my mind is not: "Was England or not on the side of the angels in taking the line she did in the course of these centuries?" It is rather, "what line are we to take in the future?" For the moment, there is no power which threatens Europe with domination—for I think the latest danger, that of a Russian communist domination, is practically at an end. It was no doubt far more serious than European statesmen would care to admit from 1918 to 1920, but it ended, I believe, when the Bolshevik hordes were defeated before the gates of Warsaw in August 1920. It is curious to reflect that Poland has played a leading part in throwing back two great invasions which in modern times have threatened the foundations of European civilization coming from the East: in 1683, when John Sobieski saved Vienna from the Turks, and in 1920 when the famished and ill-equipped Polish army with the help of a French general beat back decidedly the victorious Bolsheviks and saved Central Europe from a general communist upheaval. That, however, is another digression and I must go back to my point, that there is at the present moment no one power threatening to dominate Europe. In that sense, at least, we have a breathing space in which to turn around and consider the whole situation.

Now it seems to me that unless we want to have to return to the old system of the Balance of Power with all its attendant dangers of competition in armaments and inevitable wars, we must find something to take its place; otherwise there is, I fear, nothing to be done but to return to the old hopeless condition,

which means ruinous expense in armaments with the spectre of war at the end, disastrous both to victors and to vanquished. From among the possible international systems which might replace that of the Balance of Power we can, I believe, rule out today an idea of a Holy Roman Empire, imposed by one power on the rest, which might formerly have bound Europe together and so establish a *Pax Romana*.

There was a time when certain political thinkers looked to the formation of a federation of European states to carry out on a grand scale what Switzerland had accomplished so successfully on a small scale. The nucleus of such a federation began on August 1, 1291, when the three diminutive cantons of Schwyz, Uri and Unterwalden bound themselves together to defend their liberties and rights, seventeen days after the death of the Emperor Rudolph of Hapsburg, the founder of the Hapsburg dynasty, who was himself a Swiss. It seems not too utterly Utopian to hope that, as the seed grows into a great tree, so this little federation might prove the germ of a system of free and independent states, leagued together for the defense of their own liberties while maintaining a general rule of peace by law.

Listen to the first words of the famous document drawn by the men of those remote valleys hidden in the folds of the Alps, and see if they do not send a thrill of hope to the heart of every lover of justice, liberty and peace,—

"In the name of God—Amen. Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace. Therefore know all men that the people of the Valley of Uri, the democracy of the Valley of Schwyz, the community of the mountaineers of the Lower Valley (Unterwalden), seeing the malice of the age, in order that they may better defend themselves and their own goods and better preserve them in proper condition, have promised in good faith to assist each other with aid, with every counsel and every favour, with persons and goods within the valleys and without, with might and main against one and all who may inflict on any one of them any violence, molestation or injury or may plot any evil against these persons or their goods."

And so it continues specifying the action to be taken in case of attack on their liberties. From this small and humble origin some 730 years ago sprang up the Swiss federal democracy which produced probably the sanest, most stable, most democratic government of Europe—the Swiss Republic. These three cantons gathered to them other lands of other speech and withstood the religious upheavals that followed the Reformation. None of its great and powerful neighbours has dared to attempt a conquest of Switzerland since Charles the Bold of Burgundy lost his dominion and finally, his life, in the attempt at Murten, Grandson and Nancy at the end of the fifteenth century. There is an old Swiss rhyme which tells how that proud warrior lost

Bein Grandson das Gut
Bei Murten den Mut
Bei Nancy das Blut.

Well, there in the heart of Europe among the Alps, has existed now for centuries a federation of peoples, differing in culture, in speech, in religion, but held together by their love of liberty, law, order and justice set on high for all men to see, as an example of what can be done where there is a will to do it.

"Honour and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace."

So we have our choice. It rests so far as I can see between returning to the Balance of Power in Europe or a league concluded for the proper establishment of quiet and peace.

I know which I should prefer, and which a great majority of the average inhabitants of the British Isles would now prefer. I believe I know which the great majority of average Frenchmen, Germans, Italians and Spaniards would prefer—simply as a matter let us say of "common sense," just as in its time the "Balance of Power" was also a matter of common sense. We must remember England is a European power by her geographical position and nothing can alter that. She must shape her policy to fit in with that dominating circumstance. Therefore, a league for peace and quiet, or shall we say for arbitration, security and disarmament, in Europe is bound to affect her very

closely. She can not hold altogether aloof from it any more than she could formerly hold aloof from the system of the Balance of Power.

America, which has the geographical merit of being 3000 miles away, and has no fears for her security can hold aloof, and in my humble opinion neither of us has the right to criticise the other for doing what their geographical position requires. But I would ask Americans to try to understand that the position of Great Britain is by far the more difficult of the two. Every man in the British Isles desires the closest understanding with the United States. That is a cardinal principle of our policy and must remain so. We are, however, compelled at the same time to consider our situation in Europe and we have also to consult and regulate our policy according to the views and opinions of the other partners of the British Empire, whose interests are not directly concerned with Europe, and it is this which may at times make it difficult for the extra-European English-speaking nations to understand our policy, owing to our more complex problems.

One of the principal duties of Great Britain in the future, as it seems to me, must be to explain and interpret the necessities and the difficulties of Europe to America and the overseas Dominions, while at the same time working in Europe for an enduring peace, which is, when all is said and done, the greatest interest of us all.

I hope and pray that British statesmen may rise to the height of the task that will be imposed on them and that we may thus avoid a return to the system of the Balance of Power in Europe, with all its attendant evils, without sacrificing any of the good will and friendship of our friends and cousins in other parts of the world.

THE MODERNIZATION OF INTERNATIONAL LAW¹

GEORGE GRAFTON WILSON

Harvard University

Few words have been used with more different meanings than the word "law." "International law" has likewise had many diverse definitions. The term, international law, is here used to cover the rules and principles which are generally observed in the relations among states. As laws in general become serviceable as their observance becomes regular, so international law becomes serviceable as its rules and principles are generally followed.

The modernization of international law would imply the adaptation of international law to modern conditions. Conditions have changed since the old days when "strange air made a man unfree;" when all foreigners were enemies; when emigration was prohibited lest all man-power of a state might leave and there might be no available material for an army; or when such principles generally prevailed as that of Machiavelli, which he enunciates in the following words: "that whoever is the occasion of another's advancement is the cause of his own diminution" (Chap. 3).

The development of the family of nations idea, and its extension from the Christian European states to other so-called Christian states, and later to states having a recognized political standing, regardless of religious or ethnic bases, shows the enlarging aspects of international relationship. In order that this relationship might continue, it was necessary that principles generally recognized by those having control of political affairs as worthy of their support should underlie these relationships.

In the ancient times practices based upon narrow selfishness,

¹ Remarks at American Political Science Association luncheon, December 29, 1924.

such as the enslavement of all foreigners, might meet with approval, but this would be only during the period when there was little contact between different states, and little advantage to be gained from such contact. When the Romans began to rest their relationships upon natural law bases, there arose a possibility of the spread of uniform principles over wide areas. The recognition of religious principles in the relationship of mankind added to the possibility of unification of certain principles among different nations. With the growth of commerce it became easy to understand the necessity for such laws as those embodied in the Law Merchant.

In modern times change in the way of adaptation of international law to changing relations of states has been more marked even than the changes in domestic law. The Holy Alliance viewed with horror the "curse of revolution." However, most of the states upon the American continent base their existence upon the recognition of the right of revolution. Yet revolution is not now favored by even the American states because of close proximity and the many relations which are disturbed by frequent changes in neighboring states.

At the beginning of the nineteenth century there was much friction in regard to such matters as diplomatic precedence among the representatives of various states at foreign courts. The Treaty of Paris of 1815 and the Treaty of Aix-la-Chapelle of 1818 by conventional agreement established principles which have since been followed to the satisfaction of all concerned.

In many states in the early nineteenth century the attitude toward slavery was regarded as purely a national matter, and even so late as 1842 the distinguished authority, Henry Wheaton, found ample arguments against permitting visit and search in time of peace for the purpose of suppressing the slave trade.²

² Chief Justice Marshall, in the case of the *Antelope* 1825, said: "Whatever might be the answer of a moralist to this question, a jurist must search for the legal solution, in those principles of action which are sanctioned by the usages, the national acts, and the general assent, of that portion of the world of which he considers himself as a part, and to whose law the appeal is made." Showing that the slave trade had been generally carried on for two centuries, he further said: "In this commerce thus sanctioned by universal assent, every nation had an equal right to engage." (10 Wheat. 66).

But by 1890 the United States and most of the other powers of the world had united in conventional agreements for the suppression of this trade. In this, as in many other cases, rights once regarded as almost axiomatic when states were far apart and little related, have now ceased to be recognized, and are no longer considered even debatable.

The proximity of states has made necessary the recognition of new rights and obligations, though not necessarily always involving changed principles or theories. As Justice Holmes said, in referring to the Convention for the Protection of Migratory Birds, concluded between Great Britain and the United States in 1916, in the case of *Missouri vs. Holland* in 1920: "The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago." (252 U. S. 416.)

Many of the old doctrines, regarded as fundamental to the concepts of international law, such as equality, independence, rights of property, have been subjected to careful scrutiny and redefinition has been found necessary.

While the geography of the world, so far as physical contour is concerned, has changed but little, the political unities upon the surface of the earth have undergone many changes, bringing new relationships. In these unities new social and political entities have developed, intellectual and psychological points of view have changed, and economic conditions have contributed to the establishment of new relationships.

The old maxim "*Cujus est solum ejus est usque ad coelum et ad inferos*" (Bury v. Pope, 1588) was thought to be one that would probably suffer little change. But recent decisions have justified states in the assumption of absolute jurisdiction over the air space above their territories. In some of the recent decisions the principles set forth by Sir William Scott, in the case of the *Atalanta* in 1808, would apply, while in others there has been needed the recognition of new principles or of principles hitherto unrecognized. Sir William Scott said, speaking of the imputation that the court was sometimes guilty of interpolations in the law of nations:

"If the Court took upon itself to assume principles in themselves novel, it might justly incur such an imputation; but to apply established principles to new cases, cannot surely be so considered. All law is resolvable into general principles. The cases which may arise under new combinations of circumstances, leading to an extended application on principles, ancient and recognized, by just corollaries, may be infinite; but so long as the continuity of the original and established principles is preserved pure and unbroken, the practice is not new, nor is it justly chargeable with being an innovation on the ancient law, when, in fact, the Court does nothing more than apply old principles to new circumstances" (6 C. Rob. 440).

There are those who think that this opinion of Sir William Scott has been stretched somewhat too far in recent decisions, such as in the *Strathearn S. S. Co. Ltd. v. Dillon*, in which the Act of the Congress of the United States entitling seamen to receive on demand certain wages which had been earned, at any time when in port, provided that the demand is not oftener than once in five days, "And provided further, that this Section shall apply to seamen on foreign vessels while in harbors of the United States, and the Courts of the United States shall be open to such seamen for its enforcement," (Sec. 4530). In the decision of this case, referring to *Patterson v. Bark Udora* (190 U. S. 169), it was said for the United States: "that it was for this Government to determine upon what terms and conditions vessels of other countries might be permitted to enter our harbors, and to impose conditions upon shipment of sailors in our own ports, and make them applicable to foreign as well as domestic vessels. Upon the authority of that case and others cited in the opinion therein, we have no doubt as to the authority of Congress to pass a statute of this sort, applicable to foreign vessels in our ports, and controlling the employment and payment of seamen as a condition of the right of such foreign vessels to enter and use the ports of the United States."

This tendency to apply national law in a somewhat extended manner has been common in recent years. It is true that it has been usually held that a nation had exclusive jurisdiction

within its own territorial limits. (*The Exchange*, 7 Cranch, 116). Also it has been customary to admit in some cases that this jurisdiction would be voluntarily limited. It was, however, held that while the national Prohibition Act might have exempted ships, or might have made a distinction between American and foreign ships in American waters, "it contains no exceptions of ships of either class, and the terms in which it is couched indicate that none is intended." (*Cunard S. S. Co. v. Mellon*, 262 U. S. 100). Nevertheless, it has been deemed expedient, in order to avoid difficulties, that the United States conclude treaties with various other states by which American officials obtain rights of examination of vessels outside the three-mile limit, and under which foreign vessels may be permitted to enter United States ports without liability when liquors are listed as "sea stores" or "cargo destined for a port foreign to the United States," provided such liquors shall be kept under seal while in American waters, and shall not be unloaded therein. These treaties are closely analogous to what was supposed to be a fairly well accepted principle among the states of the world to the effect that matters relating to the internal economy of a vessel should even in a foreign port be under the jurisdiction of the state whose flag the vessel has a right to fly.

While national legislation affecting matters with which foreigners may be concerned may for a time depart from accepted principles of international law, it is the tendency to recognize those principles in subsequent legislation or in practice, in order that free and satisfactory intercourse may continue.

In recent times there has also been an increasing tendency to formulate principles which may be acceptable to the states of the world, and which may by national adoption be generally recognized. The preamble of the Hague Convention of 1899 for the Pacific Settlement of International Disputes affirms that the states are "Desirous of extending the empire of Law, and of strengthening the appreciation of international Justice." The Second Hague Conference in 1907 reaffirmed this purpose. The cases submitted to arbitration under the provisions of these conventions in the early days of the twentieth century related

to question and events involving Europe, Asia, Africa, North America, South America, and ranged from money claims to question involving the right to fly the flag and other matters considered to involve fundamental rights.

The preamble of the Covenant of the League of Nations asserts that it was agreed to "In order to promote international coöperation and to achieve international peace and security . . . by the firm establishment of the understandings of international law as the actual rule of conduct among governments."

Article 228 of the Treaty of Versailles provides that "the German Government recognizes the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war." This same article provides for punishment and for handing over of persons accused of violation of the laws of war, thus making operative the provision which was introduced into the Hague Convention concerning the laws and customs of war on land in 1907, which provides that the belligerent party shall be responsible for all acts committed by persons forming a part of its armed forces.

The commissions of inquiry, somewhat similar to the grand jury system, introduced in the Convention for the Pacific Settlement of International Disputes in 1899, and elaborated in the corresponding convention in 1907, and in a modified form in many bilateral treaties, have proven serviceable in times of great strain.

From the middle of the nineteenth century there has been a growing tendency to agree upon uniform rules of action by conventions having general operation through multilateral negotiation, adherence, or accession. Sometimes the same effect has been brought about by declarations on the part of one or more powers to which other powers have adhered. The parties to the Declaration of Paris engaged to bring the Declaration to the knowledge of other states, and to invite them to accede thereto, and the plenipotentiaries affirmed that they doubted "not that the efforts of their governments to obtain adoption

thereof will be crowned with full success." Not all states acceded to this Declaration. Among those which did not were the United States and Mexico, though the United States did accept it in principle in 1898.

After 1873 meetings of those interested in the development of international law became more common, and the influence of the Institute of International Law, which was founded in 1873 "to aid the development of international law," gradually increased. Other societies and associations have aided in making international law more widely known and understood. This certainly was necessary for other countries if Disraeli was able to say of his own, which had such wide contact, that "there is no subject on which we are so misinformed as our foreign policy." The influence of these organizations was also evident in many of the decisions of courts, passing upon international matters, as in the decision of the Japanese prize courts during the Russo-Japanese War, where rules formulated by the Institute of International Law were frequently cited in support of the decisions of the Court.

Government publications in recent years have frequently given information upon details of international affairs in order that the public opinion might have correct data upon which to rest. Whereas in the old days the will of the ruler might determine the action of the state, in modern times there has been an attempt to put the opinion of the citizens behind state policy. A striking instance of this change may be seen in the general use of propaganda in recent years. As propaganda has been used upon both sides it is probable that in the long run there will be necessary an attempt to reach justice before questions may be settled in such fashion as to satisfy both sides.

While negotiations anciently were between rulers or representatives of rulers, and even in more modern times the same practice was followed, as at the Congress of Vienna, toward the end of the nineteenth century, and particularly during the twentieth century, conferences of representatives of the states of the world, as such, upon matters of general concern have become more and more common, and the conference method has

been resorted to for formulating rules of conduct and principles of action along nearly all lines of international relationships. The influence of these conferences can be clearly seen in a comparison of the citations in a book like that of Grotius' *De Jure Belli ac Pacis*, and any modern treatise upon similar subjects. While a single page of Grotius might cite, as bases for its conclusions, many chapters of the Bible from Genesis to Revelation, as well as classical writers and those writing on special topics like Gentilis, modern writers would support their conclusions by decisions of courts of many countries and conventional agreements reached in conferences.

The Hague conferences not only drew up conventions for the Pacific Settlement of International Disputes, but also proposed an International Prize Court and a Court of Arbitral Justice, which should aim not merely at the peaceful settlement of disputes but rather at the judicial settlement. The times were not ripe and the methods not devised for an international court of justice until the futility of other methods had been clearly demonstrated in the World War. The doctrine that "*Kriegsräson geht vor Kriegsmanier*" has failed, and those who tested its validity on land have been convicted and sentenced in some cases, thus for land warfare showing that "*Kriegsmanier geht vor Kriegsräson*." Unfortunately, the resort to corresponding acts in maritime warfare in the World War has not yet received a corresponding condemnation. Article 14 of the Covenant of the League of Nations provided for the establishing of a Court of International Justice. This court, established and functioning already in many matters, has clearly indicated that its functions are judicial, as it said in the reply to a request for an advisory opinion concerning the status of Eastern Carelia, July 23, 1923. "The Court, being a Court of Justice, cannot, even in giving advisory opinions, depart from the essential rules guiding their activity as a Court" (Series D, No. 5, p. 29).

The use of force is coming to be thought of not as a method of settling international disputes, but as a means of anticipating such conflicts, and of enforcing judicial decisions, though all awards of the Hague arbitral tribunals, as well as opinions and

decisions of the Court of International Justice, have become operative without the use of force.

War, even, has changed in its inception, conduct and results. Formerly undertaken at the will or whim of a ruler, it now needs justification to the world; formerly conducted without regard to law, it is now subject to more and clearer defined methods; and formerly often for spoils of the enemy, now it is discovered that the vanquished cannot "pay the cost of the war."

The old legal maxim that there must be an end of controversy still holds. St. Augustine, Thomas Aquinas, and Suarez said that war must be just. The modern tendency is to say if the cause is decided to be just, war should not be waged.

In peace even the national courts do not necessarily give the same interpretation to a principle of international law or of a treaty, and this is often due to lack of knowledge of any system of justice except the national system. There is therefore need for an international tribunal to pass upon such questions either *de novo* or on appeal with view to decision on general in distinction from national principles.

What is needed, and what is evident in some recent opinions, is modernization, which, in contrast to the earlier nationalization of the international principles, is the internationalization of national principles, in order that controversies may be reduced by the application of common standards.

As the ancient ideas of competition and isolation in business and other fields have disappeared, and the advantages of more complete coöperation have been recognized, so through modernization of international law common standards for the regulation of international relations are more generally accepted, and the desire to promote justice among nations is coming to prevail.

THE CIVIL SERVICE IN THE MODERN STATE

HERMAN FINER

London School of Economics and Political Science

"I'd give them th' votes," said Mr. Dooley. "But," he added significantly, "I'd do the countin'!" These words symbolise, in a crude way, the direction of political inquiry in the century prior to the year 1880. Until about that time political scientists were concerned mainly with the processes of policy and law-making. Incident to this were studied things like the nature of public opinion and the electorate, political parties, representative assemblies and their relation to the executive. But the problem of the civil service in the modern state emerged in its full importance not longer than some four decades ago; and indeed, today, we are only in the stage of discovering the questions yet to be explored.

The centre of gravity in political science has plainly shifted from the field of electioneering to that of the civil service. In our own day that machinery serves two purposes of high importance. Firstly, it furnishes the expert knowledge without which parliaments can not, in any adequate fashion, create and enact policies. Secondly, it carries out the commands of the policymaking body. The experience of the United States, of Great Britain, of France, Germany, Canada, Australia and South Africa, shows conclusively that to perform the first of these two functions the members of the representative assemblies have neither the time, the ability, the inclination, nor the machinery. They must come to the permanent office-holders for expert knowledge. And as to the second, a variety of reasons forces them to legislate in general terms and leave the civil servants to draw up statutory rules and orders—to create "secondary legislation," the enormous and increasing mass of which gives the civil service in the modern state a vast power. That power

is increasing, for the state has given up its old rôle of acting, in Lassalle's phrase, as 'night-watchman,' as a mere dispenser of justice in the strictest sense of the word. Today it acts upon the theory that the good of the individual and of society may be discovered by the processes of social reason and action, and be implemented through statutes. The nearer we approach to communal control of life, the more power will the civil or communal service secure. It becomes, then, our anxious concern to inquire into the organization of the civil service, so that the power it must inevitably exercise may be beneficial to those whom it is designed to serve.

The experience of the countries I have already mentioned makes it possible to lay out a rough map of the ground to be travelled. The most interesting thing revealed is this, that despite differences in history, industrial life, social tradition, and political system, the pattern of problems (as, for instance, recruitment, promotion, discipline, control, payment, and civil and political rights) tends to uniformity as between the various countries; and so do the solutions of those problems.

In these countries one key serves, practically, to open up a glimpse of the great problems of civil service organization. It is this. The open market test of solvency cannot be applied to the services rendered by the state, or by its agent (perhaps it would be as well to say, its other self), the civil service; and therefore, every factor determining the original and the sustained good quality of each particular servant is of most urgent importance. Let me expand this a little.

The state, through the civil service, spends money which is ultimately derived from the pockets of private individuals, not without complaint on their part. These citizens get no direct *quid pro quo* for their taxes; but the general services which the state renders give it the character of a productive concern like any joint-stock company. It is a kind of public service corporation. But the state cannot be subjected to the commercial tests by which the private producer is judged. No accurate way has yet been invented of assaying the relationship between its output and its revenue. The instruments by which the work

of the civil service has been measured hitherto have been parliamentary investigations, through question in the full House as in England; through committee and commission enquiries as in United States, France and Germany; through informal deputations from interested groups, a method of great and growing importance in France and England; and through formal and permanent committees representative of interests in such departments as the railways, posts and telephones in France, and the board of trade and ministry of health in England. But this machinery is cumbersome, rough and incomplete. It is, in fact, difficult for anyone but an expert fairly and effectively to criticise an expert; and it has been the frequent experience in England that the expert must coach members of Parliament in the actions to which criticism should be directed. This fact is probably not without foundation in the experience of other countries also. Since, then, it is impossible for the final product of the civil service to be measured and controlled in anything like a satisfactory manner from the outside and retrospectively, it is of the highest importance that only the fittest shall be selected, that only the fittest shall be promoted, and that the conditions of discipline, reward and civic rights shall promote an atmosphere of contented and zealous activity. To secure this end the countries under consideration have been, and are, steadily addressing themselves.

Recruitment has been, historically, the first concern of reformers. Broadly, till 1870, most countries recruited by a 'spoils', or patronage system, in which political and social affiliations were the first, and competence to carry out the functions of the office, the secondary consideration. The political scientist will note with interest, however, that in Prussia since about 1700, there has been provision for recruitment by merit, through examinations or university qualifications, because there was only one authoritative party in the state, the Crown. Efficient service was the great safeguard for the Crown's continued existence. Democracies are beginning to see that what was true for autocratic government is true for them also, and the recent fate of Italy and Spain is revealing in this respect. The

wise and gentle Machiavelli says, "Nothing makes a Prince so well thought of as to undertake great enterprises and give striking proofs of his capacity."

In Prussia there is a close connection between the various educational grades, like the *Hochschule* and university courses, and the stages at which the civil service is entered. In England, too, the civil service commissioners have since 1853 directed their attention to the 'natural' stages of education, like secondary schools and the main university courses in working out their classification of the civil service. The chief German contribution to education for the public service is its insistence upon three years' study of political science, administrative law and political economy, followed by four years' practical experience for the Higher Class, which has important policy-making and administrative functions. The English contribution lies mainly in the choice of its administrative class—the highest class of officials—by examinations which demand a high honors' standard of attainment in the senior classical and mathematical schools at Oxford and Cambridge, while of late, the younger universities are securing ingress for their candidates by the inclusion of examinations in history, political science and political economy.

There has, in the progress from 'spoils' to the 'merit' system in the United States from 1883 till now, been no actual or attempted connection between the grades of the service and the educational system of the country. The reclassification commission of 1920 recommended that the civil service commission or some such body should attempt coöperation with the universities to establish tuition for the civil service. The United States contribution to the science of preparation for the public service will probably be recognised by history as the attempt to create psychological tests for certain branches of work, of greater economy and accuracy than the tests we now use.

In the countries under review, qualifications are laid down by an institution standing outside and independent of the separate administrative departments, and examinations are conducted under its authority, and experience has shown that this is essential if fairness as between civil servants and their efficiency

vis-à-vis the public are to be established and maintained. In France there is no such institution to correspond with the English or the American civil service commissioners: each department is a law unto itself, save that its rules laying down qualifications (recognised academic diplomas and degrees and examinations), are ratified, in a very general way, by the Chambers through the annual finance law. There are over 200 separate decrees regulating recruitment and promotion in the different departments; and dissatisfaction with the work accomplished and rewards given is rife both inside and outside the service.

On the whole this question of training for the public service is being answered effectively but slowly. Long and careful experiment and the formulation of theory are still vitally necessary, in order that there shall be recruited, for the higher positions especially, men and women equipped with a thorough knowledge of modern social life, the ability to learn the technical side of their own job, and insight keen enough to project reforms.

Promotion is linked with recruitment as an element which, directly and indirectly, affects the efficiency of the service, and has an important effect upon the less concrete factor called *morale*. It has been found that the excellence of the rules relating to promotion will be, in a large measure, determined by the adequacy of the system of classification adopted. Where there is no classification, or only an insignificant system as in the United States before 1923, it is impossible to regulate promotion efficiently and with justice to the personnel. Further, unless there are common rules of classification and promotion, though rough justice may be realised among individuals in each department taken as a separate unit, there will be unfairness as between men in different departments, and a failure to reach the maximum efficiency in the service as a whole. Of this France is an example.

Two general developments must be noticed. The first is the search for objective tests of fitness for promotion independent of favoritism. This has a tendency to develop into an attempt to estimate the qualities necessary for promotion with numerical precision. The second, a corollary of the first, is the endowment of the central controlling authority with the power to recommend or ratify promotions.

The search for objective tests is most intense in those countries where the 'spoils' system has been worst, and where, moreover, the higher officials, because of their political appointment, have known nothing of personnel conditions. It is in the United States that the objective test is sought for with most pertinacity, in the states as well as in the federal service. Till 1923 promotion in the federal service took place, in a few cases, by qualifying examination, and by seniority; or vacancies in higher grades were filled from outside the service. Now the law provides that the personnel classification board is to lay down general conditions of promotion, which is to be firmly based upon a system of efficiency ratings worked out by the bureau of efficiency. These ratings have been worked out with great care. But of all the countries in which such record sheets and efficiency ratings are used two judgments may be made. The first is that human nature inside the public service is apt to be less severe than outside: the officers who apply the ratings to the men they supervise do not like to discriminate between them, for so to discriminate means the condemnation of this or that man to less pay, less interesting work, or even dismissal. The officials work together, eat together occasionally, know something of each other's domestic lives. It is hard to discriminate! The second is, that this being so, it will be difficult to exclude personal preference and seniority. Age has its claims even when it falls short in powers.

In France, the higher the entrance qualifications, the more does seniority rule promotion; and the same holds good of Germany. Australia is the only country in this survey allowing an appeal to the central controlling authority against a promotion. There, any officer who considers that he is more entitled to promotion to a vacant office than the officer provisionally promoted may appeal within fourteen days of the publication of such promotion. The public service board decides the case after conference with a representative of the head of the department, the appellant or his nominee, and the officer promoted. In France, in the department of posts and telegraphs, there is a promotion board upon which sit two or three representatives

of the lower ranks of officials; they participate in the drawing up of the promotion lists. Here then, we observe how in Australia the individual's sense of fairness is respected, and how, in France, a step is made toward self-government within the departments.

For convenience of exposition it is desirable at this point to turn to an entirely different aspect of the civil servant in the modern state. While, from 1880 to the present time, the needs of the modern state caused attention more and more to centre upon securing efficiency in the Civil Service, the ripening of democratic and syndicalist ideas caused the civil servants, particularly those in the lower ranks, to make certain claims of the state. They demanded that the state should accord them full citizen rights in ordinary political life, and certain rights of self-government in their employment. A stern conflict arose between the state and its servants, and assumed its gravest character in those states, like France, Germany and Italy, where public security and order have, historically, been the predominant purpose of statesmen. In France, to strike is considered to mutiny against the state, which is held to be no ordinary employer, but the embodiment of the sovereign will of the people. Similarly in Germany; but there the matter is argued more rationally, the civil servants' security of employment and pension, and the state's vital need of a continuity of services, are put forward as reasons against the right to strike. The right of association is allowed in France, but it must not be interdepartmental, nor is affiliation with ordinary trade union bodies permitted. This is the law; but in practice the associations do not heed the law. In Germany full rights of association have been granted to the civil servants by the Constitution of 1919; in Australia, the United States,¹ and Canada such rights are not denied.

As to political rights all countries allow their civil servants the right to vote, but South Africa, Canada, Australia and the United States, forbid other participation in politics even to the

¹ Spiro, *Labor in a Government Industry* (Doran, 1924).

slightest extent. In France such participation is without legal hindrance, but in practice it is subject to the interference of the superior official; though when an official is elected a member of the Senate or Chamber of Deputies, he remains on the staff of his department without pay until he reassumes active duty, when he is reabsorbed into its ranks. In Germany no special leave is required to attend the Reichstag or a state parliament, and officials have a right to "the necessary leave in order to prepare for the election." The present state of the law in the countries where political rights are most restricted seems to arise out of an undue reaction from an overdose of the 'spoils' system. In England, where officials must resign upon accepting candidacy for Parliament, long agitation has resulted in the creation of a treasury committee to inquire into and report upon increased political freedom for civil servants.

The demand for self-government has had its soundest realisation, so far, in England. Whitley councils, representing nearly all the members of the service, were created in 1919, to cover each particular branch of the service. Above all these departmental councils stands a National Council. Work of an important and effective nature has been accomplished in the matter of promotions and discipline, superannuation, further education of younger civil servants, and regrading and reorganization. The zeal with which the staff side of the councils has flung itself into the work of investigation and inventive thought augurs well for the success of the system and the happy working of the service. There is a pride in the new status which is justified, not only because it ministers to good administration, but because it elevates the humanity of the official. "The third and perhaps the most important feature that distinguishes our inquiry from any that have come before it," says the Staff Side Report on the Organization of the Civil Service, "is its recognition of a new principle of coöperation in the public service."

One can observe, however, in all that has preceded, the phenomenon of a body of citizens treated, as a unit, differently from the rest of the nation, owing to their vocation. That is not altogether sound, for good government lies in a community

of life between governors and governed, rather than in immuring each party within distinctive privileges and prohibitions.

The matter is best illustrated by the Australian Arbitration (Public Service) Act of 1920. Before 1920 public service organizations filed their complaints as to pay and conditions of work before the ordinary arbitration courts, and the cases were judged according to the ordinary industrial laws and rules of equity. The judges gave conflicting decisions, upsetting the equality of conditions of pay, hours, and so forth, among the various grades of the service which, for the sake of fairness and efficiency, the public service board had tried to dovetail together. Therefore in 1920 a special arbitrator was appointed for the public services. It was hoped that future judgments would rest upon a jurisprudence derived not only from the general principles of justice, but from the special character of employment in the service of the state. That is, a special character is recognised in state employment, differentiating it from employment by private agencies and through private bargains.

That special character seems to emanate from the inability of the state to make private bargains with each individual servant. This is due to various causes: the service is usually so big; the public services must not be stopped while competitive bargaining is going on; a continuity of service is necessary, and this demands stable conditions of employment and contented servants; and parliaments insist on exercising a supervision, and even a control, which in some cases may become meticulous in the extreme.

These facts also form the reasons for the existence of another of the basic problems of the civil service in the modern state: classification. This may be defined as the problem of treating all servants in the service doing equal work, equally; and where there is a difference in the amount and quality of work done, of proportioning reward to service; preliminary to which is the creation of classes and standards of work by which comparisons can be made. The experience of all countries shows how necessary such classification is, in spite of the fact that it is difficult to establish, more difficult to maintain in the face of develop-

ment, and almost impossible to satisfy the individual civil servant that he has been rightly placed in any particular category; since he, in company with other human beings is like the crab, which, according to William James, would very likely be filled with a sense of personal outrage at hearing itself classed as a crustacean, and would say "I am no such thing; I am MYSELF, MYSELF alone."

A branch of the subject, as piquantly interesting as it is important, is what public opinion thinks of the civil service. Countries are intriguingly similar and different in this respect. The rather intangible nature of the subject-matter makes any perfect depiction impossible, but we may try our hands at England, France and Germany in turn. In England the general public is on the whole mildly indifferent to the existence and works of the civil service. There is, however, a general impression among moderately intelligent newspaper readers, that 'red tape,' or unnecessary slowness and formality in the despatch of business, prevails; that civil servants undeservedly lead an enviably secure and stable life, permanently assured of short hours, good pay, long holidays, pension-rights, and not much work; that incompetence goes unpunished. The vaguely remembered descriptions of Dickens' Sir Tite Barnacle and the Circumlocution Office and the daily round of Anthony Trollope's *Three Clerks* lend a background of colour to more modern instances of inefficiency. The occasional high lights on administrative pathology are of fiercer efficacy in the creation of opinion than the steady meritorious work accomplished day after day.

The public service suffers because it is the only business concern which does not advertise. The principle of ministerial responsibility, the balance wheel of the English political system, consigns the civil servant to anonymity when he is right, and not seldom exposes him to mordant attacks when he is wrong. Yet it is known and appreciated that many of the best minds in the country enter the service of the state. Within this general scheme the House of Commons prides itself upon its rôle as the grand inquest of the nation. It never ceases to watch, nor does it ever omit to challenge, the day-by-day administration,

and it stands on guard against the never-ending audacity of officials; just as in days gone by it contrived that the prerogatives of the Crown should be converted into the privileges of the people. For parliament feels that officials are better placed than ordinary folk to follow the universal and seemingly irresistible tendency of human beings to magnify their offices and extend their powers. Yet jealousy of and trust in the civil servant have been nicely balanced, and a gratifying mutual respect reigns between service and legislature.

In France, the *fonctionnaire* looms larger in the public mind than in England; for despite many revolutions, the principle of individual liberty has not been very usefully embodied in institutions, and age-long tradition of *étatisme* and centralisation remains unshaken, and, indeed, has, in the last three decades, been notably reinforced. The administrative spirit of Louis XIV and Napoleon I still finds a congenial home in Paris and the capital towns of the *départements*; and the one million officials and employees amount to one in ten of the entire electorate. To the public, then, the service is a subject of dislike and suspicion; it is so often arbitrary and unjust in its decisions, and, by retarding its judgments, often for years, it abolishes for the citizen the only tool which might give substance to his rights. Perhaps derision has more play than solemn dislike. Invective, frequently scabrous, and always pungent, is poured upon the incumbents of the *bureaux* with a Rabelaisian zest.

Monsieur Lebureau, if I may be permitted to change his sex for a moment, is a national Aunt Sally, at whose figure it costs nothing, while it brings gay applause, to fling barbed epigrams. Here, as in other walks of life, it is possible to enjoy a grumble, because no one expects to be called upon to amend the thing at which he grumbles, the politicians least of all. Balzac, De Maupassant, Georges Courteline, and Anatole France have limned immortal pictures of the *fonctionnaire*: a rather somnolent person with occasional love affairs and domestic worries, anxious to propitiate his superiors and to kick the behinds of others, zealous to earn his living and decorations with the minimum of work and the maximum of thought-saving habits,

and mildly yet invincibly convinced of his social dignity. It might be a description of anybody: we are all akin; and that is what the political scientist is obliged to remember in making his investigations.

The sharpest thorn in the side of the French civil servant is, of course, the Chamber of Deputies. That impetuous body makes mighty prods at the service, and, in the name of democracy, even attempts to control the everyday work of the service. It succeeds in getting much enjoyment out of the former; but never has, with anything like the excellence of England, effected the latter. The service, then, goes its way, hide-bound by traditions, some of them good, by solidarity of interest in its own defence against the aggression and contempt of Monsieur Le Parlement, and by its special immunities under *droit administratif*. Public dislike and derision, which are in one way tributes paid to power, have as their counterpart a widespread desire for employment in the service, especially in the minor clerical and industrial grades. The pay is low, but the *fonction* is a safe refuge, and relatives and friends are respectful toward someone 'in the government.'

In Germany, until the Revolution, the civil service was a highly honored aristocracy. It was an estate of the realm, and a great profession; and its highest grades were easily on a par, in influence and public esteem, with the *Offizierkorps*. You could no more insult them than you could insult the Emperor. Its efficiency was real and of a high quality, and did not fail to obtain public recognition. The Reichstag, as Bismarck² was supremely fond of saying, was a *Redeparlament*: it deliberated at great length. But the bureaucracy did valiant service and was uncorrupt. They were the real governors of Germany, splendidly trained, clever, forceful, industrious, far-sighted, public-spirited; and the nation had never known others.³ The citizens were not unhappy with the good government in steering

² I am aware that he also distrusted the "administrators of the green-baize writing-table." But then he distrusted everybody: even his Divinity was his accomplice.

³ Another aspect of this question is discussed at length in my *Representative Government and a Parliament of Industry* (Allen & Unwin, 1923, London).

the course of which they had no part; and the relationship between their contentment and the bureaucracy was not difficult to trace.

The onset of the Republic shook the authority of the civil service though it did not impair its essential power, and it will be decades before the spirit of a free electorate permeates this more ancient institution. The period of inflation adversely affected his corruptibility, but when the whole world was gambling to live, the civil servant could not be expected to starve; the misdemeanor was fugitive. The main lines are still unshaken: a civil service great and growing in size, efficient in the highest degree, respected and uncorrupt, somewhat autocratic in its action, but with the promise of liberalisation through republican institutions.

Other problems there are, but lack of time compels their omission. Among them are the principles of discipline, retirement and pay, which actually do and ideally should prevail in the public service. But sufficient has been accomplished here if this Klondike in the territory of political science has been put upon the map, and if some among the stream of explorers are induced to turn in that direction.

CONSTITUTION V. CONSTITUTIONAL THEORY

THE QUESTION OF THE STATES V. THE NATION

EDWARD S. CORWIN

Princeton University

The relation of the states and the nation is a topic on which there is a good deal of discussion these days. One week last spring brought to my desk four pamphlets on the subject—all of them from an anti-nationalistic point of view, and most of them emanating from the sovereign state of Maryland. At the same time *The Times* newspaper carried several articles on the subject. One was a rebuke by the President of the present tendency to look toward the national government for everything. A day or two later another utterance from the same distinguished source called for the establishment of a "federal" bureau of recreation.

But, along with this ancient issue, whose infinite variety time has never yet been able to wither or custom to stale, goes another of even broader import.

Like other branches of learning, constitutional interpretation pretends to a certain terminology or jargon of its own, but just how accurate this is, is indeed a question. And if it be inaccurate, this fact furnishes all the more reason why some attempt at defining terms should accompany a consideration of the question of the constitutional relationship of the states and the nation.

First, we have the term constitution, but even that is of ambiguous significance. In the formal sense the Constitution of the United States is the written instrument which was drafted at Philadelphia in 1787, plus the amendments which have been added since, in accordance with the forms laid down in the same instrument. In a material sense, however, the Constitution of

the United States is much more than this. For what is the purpose of a constitution? Briefly, it is to lay down the general features of a system of government and to define to a greater or less extent the powers of such government, in relation to the rights of persons on the one hand, and on the other—in our system at any rate—in relation to certain other political entities which are incorporated in the system.

But now, if we keep this definition of purpose in mind, it at once becomes evident that the actual Constitution of the United States is much more than the formal written constitution. The former includes the latter—or much of it—but it also includes certain important statutes, for example, The Judiciary Act of 1789, as amended to date, The Presidential Succession Act of 1886, The Inter-State Commerce Act, or portions of it, and so forth. Also, it includes certain usages of government which have developed since the formal constitution first went into effect, and some of which, indeed, have virtually repealed portions of the latter. In this connection the present rôle of the electoral colleges in the choice of President springs to the mind of everybody, but the rise of the committee system in Congress and the development of the President's Cabinet have done scarcely less violence to the intention—or more accurately the expectation of the framers of the constitution.

Lastly, the Constitution of the United States in its material sense includes a vast bulk of judicial decisions, particularly decisions of the national Supreme Court, which—at the behest of private interests for the most part—undertake to define certain terms of the formal constitution. Nor can it be questioned that some of the terms which have furnished the basis of judicial decisions were inserted in the constitution for the direct end of safeguarding private interests through the medium of the courts; but it is also clear that the scope of judicial supervision of political power in our system has been greatly enlarged by the assumption that private interests are legally entitled to the immunities arising from mere defect of power in this, that, or other instrument of government. It results, hence, that judicial interpretations of the constitution are important, not only in the

definition of the rights which are thereby recognized, but also for their effect upon the distribution of governmental power among the organs set up by the constitution.

We are thus brought to a second term of interest to our science, constitutional law. This, too, is ambiguous—indeed doubly so, as we shall shortly perceive. In the first place, the term law is ambiguous—*multiguous*, if there be such a word. However, we may content ourselves with considering two definitions: (1) that law is a rule of action; (2) that it is a rule of judicial decision. The two ideas are not mutually exclusive, for a rule of judicial decision must still be a rule, unless we accept Professor Gray's apparent supposition that a court is incapable of apprehending a rule. On the other hand, there are rules which in fact determine constitutional procedure in our system, though they have never received judicial sanction, or have received it only incompletely. Indeed, it is demonstrable that in some instances the judicial theory of the constitution has finally thrown up its hands in despair and surrendered to some rule of action of the political branches. Thus, if one will turn to the *Insular Cases*, he will find that at one time at least the court entertained one theory on the question of whether the constitution follows the flag and that Congress followed a quite opposed theory, and he will find further that the court at last surrendered its theory and adopted that of Congress. And it is much the same as to the question of the scope of Congress's powers in the appropriation of money for "the general welfare of the United States." The recent case of *Massachusetts v. Mellon* gives some indications that the court has its own opinion on this matter, and that it is by no means the latitudinarian view which has always been acted upon by Congress; but the same case also shows the court's persuasion that there are times when discretion is the better part of valor, and that the question of the validity of the Maternity Act was such an occasion. Neither has the court ever ventured to traverse directly the doctrine that the power of removal is a branch of the executive power of the President, although it has made clear its opinion that this doctrine, viewed simply as a product of the human mind, is distinctly inferior

to its own view that the power of removal is an incident of the power of appointment.

But the second ambiguity lurking in the term constitutional law is even more of a pitfall. It may be described as consisting of the indefiniteness of demarcation of constitutional law from constitutional theory. This indefiniteness furnished, it is hardly necessary to say, the very foundation of Marshall's work as expounder of the constitution, and so it is not surprising that it is best illustrated in some of his opinions. Take, for instance, the case of *McCulloch v. Maryland*. In this case the court ruled that a certain tax which the State of Maryland had levied on certain operations of a branch of the Bank of the United States located in Baltimore was void, as representing a claim on the part of the state of a constitutional power to control or even destroy an instrumentality of the United States government. The opinion is compounded of theories as to the nature of the power to tax, of the intrinsic limits of state power, of the relation of the states to the national government under the constitution, of the nature of the constitution, and of the nature of its source. The constitution, it is asserted, comes from the people of the United States and not the states, and is therefore to be generously construed from the point of view of making it a useful instrument of popular government. Therefore, the terms "necessary and proper," construed in this context, mean simply convenient, and the bank being a convenient fiscal instrument, is an agency of the United States government, beyond the reach of all state powers which might be wielded in a hostile fashion, among such powers being that of taxation, which is a power of destruction. And so on—what part of this argument is constitutional law, what part is constitutional theory?

Judging from the use which the court itself has made at various times of the broader aspects of its own previous utterances, as well as from the practice of commentators, constitutional law should perhaps be defined as my-constitutional-doxo and constitutional theory as your-constitutional-doxo. But this flippant dismissal of the subject would end my paper right here and so must itself be dismissed. What is more important, I must utter

a caution against a possible inclination to regard constitutional theory as a deduction from constitutional law. The truth is rather the exact reverse of this; and particularly is this so within that field of either, which deals with the relationship of the nation and the states. The relation of constitution, constitutional law, and constitutional theory to one another—especially as they affect the problem just mentioned—may be shown diagrammatically—not that a diagram proves anything, except possibly the inability of the maker of it to express himself as well in some other way. You are, then, to conceive the constitution in the formal sense as the nucleus of a set of ideas. Surrounding this and overlapping it to a greater or less extent, is constitutional law, in the formal sense too of a rule of decision. Outside this, finally, but interpenetrating it and underlying it is constitutional theory, which may be defined as the sum total of ideas of some historical standing as to what the constitution is or ought to be. Some of these ideas do actually appear more or less clearly in the written instrument itself, as for example, that interpretation of the doctrine of the separation of powers which yields judicial review; others tend toward solidification in the less fluid mass of constitutional law; and still others remain in a more or less rarefied or gaseous state—the raw materials, nevertheless, from which national policy is wrought. But how wrought? In answering this question let us turn for a moment to the other phase of our subject—the relationship of the nation and the states.

Considered for its final result, the struggle which attended the adoption of the constitution was less a struggle over whether it should be adopted than over the interpretation which should be put upon the act once it was accomplished. The friends of the constitution were for the most part nationalists, and it was they who set the new government in operation. But the other point of view was early formulated in the Virginia and Kentucky Resolutions, which in time became a gloss upon the constitution fully as authoritative as the written instrument itself; and in 1838 the United States Senate adopted by the vote of 31 to 13 a resolution offered by Calhoun which declared the constitution

to be a compact of sovereign states. Meantime, the other point of view had received reiterated statement from the Supreme Bench in the opinions of Chief Justice Marshall, whose greatest service perhaps was just this service of keeping the breath of life in the nationalistic tradition over a critical period. The Civil War, however, restored the idea of the national government as a territorial sovereign, though one of restricted powers. Then, two decades later, the development of industry on a national scale produced an alliance between the principle of nationalism and that of *laissez faire*, which operating through the commerce clause, shattered state control of business. But the commerce clause proved a two-edged sword, and the very precedents which relieved the railroads, for instance, from local regulation became the foundation of national regulation. The result has been a new turn of the kaleidoscope, a new combination of elements of constitutional theory, and some new constitutional law.

Of the issues between those who pose as the champions of nationalism today and those who take up the cudgels for states' rights, the most exigent and interesting one concerns the question of the allocation of the purposes of government in the United States. Both nationalists and states' righters are in general agreement that there are certain large purposes which any system of government should serve. The issue between them is of how these purposes are supposed to be served under the constitution of the United States. The one party holds that the purposes for which the national government may constitutionally exercise its powers are relatively few, and that the ultimate objectives of good government are for the most part, under our system, reserved to the states, whose police power has been defined always as the power to promote the public health, safety, morals and general welfare. The other party answers, however, that while the powers of government are divided in the United States, its broader purposes may be served by each government within the field of its powers, and that the purposes which the police power of the states is designed to serve are by no means reserved exclusively to that power, that it was no thought of the framers of the constitution in erecting a national government

and assigning it certain powers to withdraw those powers from the service of the major objects of civilized society, that the preamble in the constitution itself proves the contrary purpose. The one theory may be termed the theory of competitive federalism; the other, the theory of coöperative federalism.

Just at the present writing it would seem that the competitive theory has the better of it. In interpreting the commerce clause, the Supreme Court has shown itself ready to permit the national government to make vast inroads upon what had been thought to be reserved powers of the states, so long as its object is the promotion of commercial prosperity. On the other hand, as the recent child labor cases show, once the national government operating on the same clause undertakes a program of humanitarian legislation, then the reserved rights of the states become a very grave consideration indeed.

Yet this was not always so. More than a hundred years ago, a national judge, confronted with the states' rights argument of limited national purpose, answered it thus: "The power to regulate commerce is not to be confined to the adoption of measures exclusively beneficial to the commerce itself, or tending to its advantage; but under our system, as in all modern sovereignties, it is also to be considered as an instrument for other purposes of general policy and interest . . . The situation of the United States in ordinary times might render legislative interferences relative to commerce less necessary, but the capacity and power of managing and directing it for the advancement of great national purposes seems an important ingredient of sovereignty." The judge then cited the constitutional clause interdicting a prohibition of the slave trade until 1808. This, said he, proved clearly the view of the framers of the constitution "that under the power to regulate commerce, Congress would be authorized to abridge it in favor of the great principles of humanitarian justice."

Indeed, it was not so very many years ago that the Supreme Court itself, in sustaining the Mann White Slave Act, used the following language: "Our dual form of government has its perplexities, state and nation having different spheres of jurisdic-

tion . . . but it must be kept in mind that we are one people, and the powers reserved to the states and those conferred on the nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare material and moral." A better statement of the coöperative theory of the federal relationship could not be asked for.

So much for the national view-point; now for that of states' rights. It will be found underlying Chief Justice Taft's explanation, in the recent case of *Bailey v. The Drexel Furniture Company*, of the earlier decision in *Hammer v. Dagenhart*, in which the first Child Labor Act was held void. "When Congress," says the Chief Justice, "threatened to stop inter-state commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a state in order to coerce them into compliance with Congress's regulation of state concerns, the court said this was not in fact a regulation of interstate commerce, but rather that of state concerns, and was invalid." "State concerns," "unobjectionable subjects of transportation"—in other words. Congress may prevent child labor from injuring transportation, but not *vice versa*.

Let us now turn back to the other phase of the topic announced: constitution v. constitutional theory. What I have been doing obviously is to seize the occasion to indoctrinate you with my favorite brand of constitutional theory on a certain current issue, while illustrating the relation of constitutional theory to the constitution and to constitutional law. But at this point I am likely to be met with an objection which, in the very act of anticipating it, I shall endeavor to appease. This will be that the real stimulus to the development of constitutional law comes not from constitutional theory, but from considerations of public policy, themselves the outgrowth of social change, and that the relationship of constitutional theory to such considerations, like that of constitutional law, is a purely instrumental one. Indeed, the objector may speak more bluntly, and declare that the judges are often at least the partisans of identifiable economic interests, and that precedent and theory are only a

camouflage in the shadow of which matters of choice take on the delusive appearance of inevitability.

No student would care to deny altogether the force of these views. A full explanation of the growth of American constitutional law must recognize that the relatively compact universe of constitutional theory is bathed in a vastly wider atmosphere of social and economic activity, athwart which are constantly blowing the winds of change, set loose no man knows how. Here is the very realm of the "inarticulate major premise" of which Justice Holmes has spoken. Nor is Justice Holmes's the voice in the wilderness that it was once. Nowadays almost everybody admits, however grudgingly, that the judges make law, and that not merely in the sense of adding to or subtracting from the supposititious intention of a more or less supposititious law-giver, but also in the sense of determining such additions and subtractions by their own preferences. Those, therefore, have a certain amount of truth on their side who would make legal history a side issue of judicial biography.

Yet granting all this, does constitutional theory—by which I mean, let me repeat in substance, those generalized, and often conflicting views of what the constitution is or ought to be, which are often as old as the constitution itself—does constitutional theory in this sense lose its significance? Certainly not altogether; and in one respect it takes on a new importance. I refer again to the matter of judicial legislation. The question nowadays is not so much whether the judges do make law, but rather the extent of such law-making, a question which arises from the extremely elusive character of judicial legislation. How is it that intelligent judges can deny to this day that they do make law? In the field of our constitutional law the answer is furnished in great part by the relationship which I have already pictured as existing between constitutional law and theory. Almost from the beginning, as we have seen, two theories have been going as to the relationship of the states and the national government under the constitution. Each theory in turn has enjoyed its period of predominant influence with the court, and each in consequence has back of it a respectable line of

supporting precedents. It results that when the court comes to deciding issues along the line which divides national and state power today, it finds itself in an extremely comfortable position. It has a free choice between two lines of precedents, so that once its choice is made, it becomes assimilated to the one or the other of these lines, and every appearance of choice is thus automatically occulted. In the words of Montesquieu, "The judges are but the mouthpieces of the law."

In short, the existence of certain standardized, but conflicting views of the constitution both confers upon the judges perfect freedom of decision where the issue before them is one that can be stated in the terms of such views, and at the same time sets up a defence against any attack based on conventional notions of judicial function, which it is extremely difficult to break down. When John Randolph declared of one of Marshall's decisions, "All wrong, all wrong, but no man in the United States can say wherein wrong," he was only expressing the sense of bafflement that many other critics of judicial decisions have felt.

The question, however, remains whether the average judge takes quite so sophisticated an attitude toward constitutional theory; and on that point I venture to express a strong doubt. The average Supreme Court judge, I believe, takes his constitutional theory very seriously. As Justice Holmes has observed from a long experience of judges, "They are apt to be naif, simple-minded men, with little of the spirit of Mephistopheles." To them such phrases as the separation of powers, check and balance, judicial independence, national supremacy, states' rights, freedom of contract, vested rights, police power, not only express important realities, they *are* realities—they are forms of thought with a vitality and validity of their own. Nor is it anything to the point that many of these ideas, when pressed to their logical extremes collide with others of them. The most ordinary function of a high court is to demark the limits of jurisdiction of conflicting principles of law. In the field of constitutional law the court may well feel that its highest duty is so to adjust the claims of contradictory ideas as to prevent either from being crowded to the wall.

Nor is this the whole case for the importance of constitutional theory as a determinant of constitutional law, and so of the constitution itself as a factor of every-day life. The further point I have in mind has been so well put by Sir Henry Maine, that I quote his words: "Nothing in law," says he, "springs entirely from a sense of convenience. There are always certain ideas existing antecedently on which the sense of convenience works, and of which it can do no more than form some new combination; and to find these ideas . . . is exactly the problem." Thus, in many instances, ideas inherited from the past furnish the mould of present policy, which takes shape and direction from them, and may in fact be entirely transformed by them. Take, for example, the Eighteenth Amendment. This makes prohibition a national policy; but in the very act of doing so, it subjects this policy to the general procedure of the constitution, which is to say, of the constitution as it has been interpreted to date. The final result may be to mitigate the original policy very decidedly. The enactment of a law is only the first step—often a comparatively unimportant step—in the *making* of a law; and one of the conditions to which the new law must accommodate itself is existing forms of thought on legal subjects.

These observations bring us into contact once more with the other phase of our subject. Two questions suggest themselves: first, whether it would not be a good thing if constitutional theory could be abolished; secondly what effect its abolition would have on the question of the relation of national and state power? Toward the end of the nineteenth century a school of German theologians, which had its followers in this country, announced it to be their programme to get rid of what they called the incubus of the Pauline theology. Their argument was that while the authentic message of Christianity was as vital as ever, the harsh, stiff concepts of the Pauline teaching were unadjustable to modern needs and that, therefore, if Christianity was to survive, the screen which the Pauline theology obtruded between the modern believer and the pure faith must be kicked away. Might not a similar Puritanism be summoned to the

defence of the constitution and against the gloss of constitutional theory that so often encumbers its provisions?

It is certainly true that the maxims which the courts have built up to guide them in the construction of laws and constitutions owe far too much to their work of construction in other and quite different fields where the public interest was not involved. A maxim especially in point in this connection is that which says that the court must give effect to the will of the law-giver. This maxim comes straight from the law of Wills. Naturally the intention which should govern the application of a will is that of its maker, although he is dead before the task of ascertaining his intention arises. But is there any reason why the intention of a law-maker, as distinct from that of the law itself should govern the law's interpretation? To be sure, the law-maker is dead the moment the statute is made; that particular law-maker—that is to say, that particular congeries, or consensus of individual wills—will never in all probability function again, legislatively or otherwise. Is there, however, any reason why weight should be given in the interpretation of the law to the fact that such a law-giver did for one single instant flash into existence and then with equal celerity pass into an unrecoverable oblivion?

Yet it is this maxim that the intention of the law-maker governs which has always been the principal, if not the sole viaduct, so to speak, between the constitution and constitutional theory. Constitutional theories the most contradictory have from the first claimed the attention of the official interpreters of the constitution on the score of representing the real honest-to-goodness intentions of the framers of the constitution, or if not of its framers, then of those who adopted it. Fortunately, the court has not always treated such arguments as relevant. Marshall in his opinion in *Gibbons v. Ogden* thought they should be heeded very rarely—though at other times his attitude is rather different. Not so many years ago the court dismissed an appeal to the intention of the framers in these brusque words: "The reasons which may have caused the framers of the Constitution to repose the power to regulate inter-state commerce in Congress do not . . . affect or limit the extent of the power itself."

And is not this the position which the court ought always to take in this year of grace, one hundred and thirty-five years after the framing of the Constitution? As a *document* the Constitution came from its framers, and its elaboration was an event of the greatest historical interest, but as a *law* the Constitution comes from and derives all its force from the people of the United States of this day and hour. In the words of the preamble, "We, the people of the United States, *do* ordain and establish this Constitution"—not *did* ordain and establish. The Constitution is thus always in contact with the source of its being—it is a living statute, to be interpreted in the light of living conditions. Resistance it offers to the too easy triumph of social forces, but it is only the resistance of its words when they have been fairly construed from a point of view which is sympathetic with the aspirations of the existing generation of American people, rather than that which is furnished by concern for theories as to what was intended by a generation long since dissolved into its native dust.

Finally, let me put the question, what would result from such a procedure to the notion that the constitution excludes the national government from the main purposes of good government? It can be confidently answered that this notion would fall and dwindle by the wayside. Again, the preamble is in point; for where could a better statement be found of the wider objectives sought by good government the world over, "to promote justice, insure domestic tranquillity, provide for the common defence and the general welfare?" Nor is this to say that the preamble is a grant of power; it is simply a catalogue of the ultimate ends to be served by the powers granted in the constitution itself. No gloss derived from speculative theories about the nature of the Union should have ever been permitted to obscure its clear import.

Furthermore, is it not laid down in numerous cases that the purpose for which a legislature exercises its powers is a question of policy which no court is entitled to decide? The attempt, therefore, to apportion the general purposes of government between the national government and the states runs counter

to a once-settled rule of constitutional law. Nor should we forget that, unlike certain specific clauses of the written constitution—the due process clause, for instance—the division of powers between the states and the nation which the constitution sets up does not exist primarily for the protection of private interests but for public benefit—a matter also for legislatures and not for courts. Indeed, if we were to apply in the field of the relation of the national government and the states the full doctrine of political questions, judicial review must cease altogether in this field. This is so because a political question is one primarily over conflicting claims of sovereignty, with the result that when Congress has passed its act, the “political departments” having spoken, their verdict becomes *res adjudicata* and binding on the courts. No doubt, this jurisdiction is too well established to be challenged today; but at least it is questionable if it should be extended. What justifies itself by precedent should observe the limits set by precedent.

These considerations are no doubt irrelevant to the main argument and indeed are added only for good measure. The main argument may be summarized thus: For many practical purposes the *constitution* is the judicial version of it—*constitutional law*. The latter in turn derives in no small part from speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean—*constitutional theory*. Such ideas, nevertheless, whatever their historical basis—and that is frequently most precarious—have no application to the main business of constitutional interpretation, which is to keep the constitution adjusted to the advancing needs of the time. On the contrary, they frequently contribute to rendering the written instrument rigid and inflexible far beyond what is the reasonable consequence of its terms. The proper point of view from which to approach the task of interpreting the constitution is that of regarding it as a living statute, palpitating with the purpose of the hour, reenacted with every waking breath of the American people, whose primitive right to determine their institutions is its sole claim to validity as a law and as the matrix of laws under our system.

As an illustration of the artificial difficulties created by reliance upon constitutional theory I have instanced the recently developed doctrine of the court that the national government may use its powers only in the service of certain very restricted interests—a theory which clearly underlies the recent Child Labor cases. The doctrine is a solecism and flies in the very face of the preamble of the constitution. But furthermore, constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators. Lastly, had time permitted, I might have run over some older precedents of constitutional law, and have pointed out how essential it is that they should be rectified and how the task of their rectification would be assisted if the court would but brush aside obscuring theories and read the textual constitution afresh. Thus, the foundation of constitutional tax exemption is almost entirely doctrinal. When the written constitution relieves anybody from the ordinary duties of citizenship it is quite explicit on the point. But if there still must be an appeal to the framers of the constitution, let it be Marshall's appeal: "The constitution [was] intended to endure for ages, and consequently to be adapted to the various crises of human affairs."

COMMENT ON MR. CORWIN'S PAPER

THOMAS REED POWELL

Columbia University

The function of the discussor of a paper is, I take it, like that of Antony at the funeral of Caesar: to bury Corwin, not to praise him. Unfortunately Mr. Corwin has been wanting in the good intentions to pave the way for such a sepulchral performance on my part. He has himself recognized the force of the objections which I would urge to the first half of his paper, had that been all of it, and he has made clear that we cannot tell to what extent constitutional theory is a crutch grabbed to help a wayfarer hobble on to his chosen journey's end, and to what extent it is like a flood or a landslide which sweeps a passive person willy-nilly along its own appointed way. Even worse than this, Mr. Corwin confesses that his game is to indoctrinate his hearers with his own preferred brand of constitutional theory. How can one expose a confidence man who takes us all into his confidence like this? If Mr. Corwin's heart were not as hard as his head, he might have shown more sympathy for his commentator and left him a few soft spots where he might dig in with his intellectual toes.

Mr. Corwin is to be thanked for emphasizing that constitutional theory as commonly preached is not derived by induction from the particularities of constitutional law. Its glowing generalities endow discussion with more heat than light. The holy name of states' rights is easily forgotten when employers wish their laborers sober and unctuously invoked when they wish their laborers young. The name is a name to conjure with only when convenient. Similar sins of contradiction are committed in the name of individual liberty. There is much silly constitutional theory about the power of the Supreme Court over legislation. It gives us lovely pictures of a clear and unmistakable will entertained by some mythical sovereign at some remote date and expressed so lucidly in the words "due process of law" that only four out of nine judges can possibly be blind to it. We can dismiss all such constitutional theory as imbecile, but we cannot dismiss it as impotent. Without doubt it often raises emotional mists before the eyes of men

and judges and leaves them incapable of realistic analysis of the competing practicalities in the situations before them for judgment. Mr. Corwin complains that "constitutional theory, by the choice which it frequently offers of contradictory premises, enables the court often to legislate without assuming the due responsibilities of legislators." I add to this the further lament that thereby judges may dodge not only the responsibilities of legislators, but also the inquiry, the analysis and the judgment by which alone may legislation command confidence.

Most of our constitutional clauses are couched in such broad language that courts are fairly free to decide most issues as they think best. The formulae which judges have evolved to amplify the constitutional language are usually as latitudinarian as the writing on the original parchment. In answering questions arising under such clauses or formulae, no invocation of amorphous abstractions or of broad generalizations can amount to the giving of a reason. Yet the opinions are all too full of such abstractions and generalizations and all too empty of practical reasons. If we had to take our constitutional law from what the court says, we should find it as a whole a conglomeration of contradictions. Only by careful consideration of what the court does and of the situations to which it does it, can we get any appreciable order out of the doctrinal chaos. If we view the judicial product as a congeries of particular judgments, we find that the judicial record for wisdom is highly respectable. The decisions most widely condemned as blunders are customarily accompanied by an undue infusion of unwarranted constitutional or economic theorizing in the opinions.

I fully agree with Mr. Corwin as to the unwise use often made of what he calls "speculative ideas about what the framers of the constitution or the generation which adopted it intended it should mean." I agree that when such ideas are purely "speculative" they have, as he says, "no application to the main business of constitutional interpretation." I come close to agreeing that this main business "is to keep the constitution adjusted to the advancing needs of the time." I pause, however, when I come to his conception of the constitution as a "living statute, palpitating with the purposes of the hour" and "reënacted with every waking breath of the American people." Yet I am not sure just how many jots and tittles I would subtract. I do feel that judges owe some respect to things as they were in the beginning. The pretended national taxation of oleomargarine, narcotics, child labor and grain futures was a decided departure from what was bargained for in 1787. In my judgment such acts merit judicial vetoes

whenever on the face of the statute the court can find palpable proof of the exercise of broad police power. Whether the Income Tax cases fall in the same category is more doubtful. The denunciation of them did not emanate from the underlying idea of the apportionment clause. My speculative notion of what the framers intended is that recurring and unescapable taxes on property should be subject to the apportionment check. In all substance, income taxes on rents and interest and dividends are in most cases pretty close to taxes on the capital property. The critics of the Income Tax cases were animated by a judgment that the conditions underlying the original bargain had passed away, as indeed they had. Here, then, was a situation where there was a sharp conflict between the past and the present. The court kept faith with the past, but the faith was no longer the faith of the contractors. It was mainly the hope of the recipients of income. The gods which the decision worshipped were private gods and not public gods.

This brings me to my final doubts as to whether I really disagree with Mr. Corwin at all. The bargainers who made the original federal compact hailed from states which only in name are the same states today. These states have added to their number nearly three times their original company. These junior sisters joined the family without any real reliance on judicial preservation of the ideas and sentiments of 1787. Any notion that they were contractual privies to the original thirteen would be pure fancy. As territorial children tied to the apron-strings of the national mother, they got restive as they got stronger and they eagerly substituted comparative emancipation for their previous condition of complete subordination. They would gladly have joined the union one by one whatever their anticipations about Supreme Court sanction of departures from the anticipations of the framers and the ratifiers. To speak of territories or states as anticipators in any sense is to use a tricky figure of speech. A few folks pulled the wires that turned a territory into a state, and these folks didn't think in terms of an earlier solemn compact to which the about-to-be-created state would become an adherent. The rest of the folks then affected probably did not think about the matter at all. There were no solemn contractual reservations of a mythical *status quo ante* for the benefit of generations yet unborn. No existing human animal as a citizen of some present-day state ever entered into his relations with government on the faith that the Supreme Court would continually try to think the thoughts that James Madison or Melanethon Smith, or any other man of 1787 or 1788, might have thought. Nor did any of these ancient thinkers put their

preferences into a perpetual trust fund and endow us as their heirs with vested equitable interests therein. All talk in analogies of contract law and property law is just sheer make-believe. Distinctly state interests are adequately safeguarded by equality of representation in the Senate and by the fact that the folks who send representatives to the national legislature are folks who dwell in the several states.

So you see that Mr. Corwin has me tottering. My feeble effort to dissent may be the product of some aesthetic leanings toward intellectually harmonious development of the original plan. My appeal to intellectual morality in invoking a duty to keep faith with the past may be merely the struggle of a vestigial Puritan conscience to save itself from complete annihilation. Perhaps also I shrink from Mr. Corwin's chaotic conception of the scope of national power because it threatens a revolt against the throne of constitutional knowledge whence cometh my daily dole. I cannot swallow whole a contention that the Supreme Court should let Congress do anything that is a good thing to do, but I feel myself slipping fast toward substantial accord with the position against which I started out to caution you. I know that it is not the states which care for states' rights. It is folks, and almost always folks who want freedom to harm their fellows. When there are sound pragmatic arguments against new extensions of national power, there is no need to prate of states' rights. Mr. Corwin has persuaded me to look with tolerance upon a constitutional theory that will let us write into the constitution all the wisdom that the words will permit. I warn him, however, that not from constitutional theory will come the wisdom to guide our writing. If he stills the winds of foolish doctrine, he must give us in their place some guides to the way of wisdom in making an indefinite series of practical judgments. The job cannot be done by substituting new doctrine for old. If Mr. Corwin is to be the Moses to lead us from the land of the Constitution as our Fathers knew it, may he also be the Joshua to encompass the Jericho of ensuing uncertainties and to supervise the blowing of horns until the walls shall fall down flat.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Governors' Messages.¹ The illogical position of a newly elected executive when called upon to give information regarding the condition of the state and make recommendations to members of a legislature, many of whom may have served the state for years, is recognized by a number of the present governors.

Taxation. One need not read far in any message as a rule, to discover that the states are hungering for money,—that making both ends meet seems to be an almost perennial problem before these units of government, but one is relieved of a taste of sordidness by an acquaintance with the activities continuously performed by their agencies.

Governor Branch of Indiana, aside from his opposition to tax-free bonds, is satisfied with the tax law of the state as "one of the best, not only in Indiana, but in any other state." Governor Small would uncover by some means the hidden wealth of Illinois and subject it to taxation. In Iowa, Governor Kendall leans toward a graduated tax on railroads and, in order to secure the listing of intangible personality, he would require the petition, in all actions upon notes and mortgages, to contain a verified allegation that the evidence of indebtedness had been reported for taxation. The incoming governor, Hammill, believes that further efforts to tax intangibles are futile, and that taxes on incomes and business earnings must supplement or take the place of the general property tax.

Governor Preus of Minnesota notes that the ad valorem tax and the occupation tax levied in 1921 upon iron ore represent more than forty per cent of the average net value of the ore. In Nebraska, Governor Bryan favors the repeal of the intangible tax law of 1921, providing for

¹ Messages from both retiring and incoming governors were received for Maine, Delaware, Arkansas, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, and Washington. No messages have been secured for the regular legislative sessions in Louisiana, May, 1924, and in Georgia, June, 1924, nor from Governor John H. Trumbull of Connecticut, who succeeded Governor Bingham almost immediately after the latter's inauguration, or Governor Howard M. Gore, of West Virginia, who took office in March.

the assessment of this kind of property at one-fourth of its value; and he opposes special mill levies and any increase in taxes, especially a tax on gasoline. The latter tax is recommended by the incoming governor, McMullen, along with a reduction in automobile license fees and an amendment of the intangible tax law, either in the classification feature, or in the rate of the tax. The legislature of Kansas is cautioned by Governor Paulen in the exercise of the power to classify certain kinds of property for taxation, as permitted by a constitutional amendment of 1924, and is advised to levy a gasoline tax.

Governor Sweet of Colorado proposes an income tax, a severance tax on mineral products and an increase in the gasoline tax. Governor Gunderson of South Dakota asks for additional penalties to enforce the money and credits tax, a capital stock tax on corporations, and a gross earnings tax on railroads. In North Dakota, both the retiring governor, Nestos, and the incoming governor, Sorlie, would increase the gasoline tax; as would also Governors Terral of Arkansas and Winant of New Hampshire. Apparently either the imposition or increase of this tax would please governors Hammill, Blaine, Brewster, Ferguson, and Fuller. An additional effort to reach the wealth of industrial corporations is advised by Governor Ross of Wyoming, as she notes an increase of \$11,000,000 in railroad valuation by the board of equalization.

In the state of Washington, Governor Hartley favors a state board of tax commissioners, with adequate power over assessments, before making any other changes in the revenue laws. In the opinion of Governor Pierce, the repeal of the Oregon income tax was brought about by an expensive and misleading propaganda. He decries the unjust assessment of property, as indicated by the reduction of the tax roll of Multnomah County, exclusive of utilities, by \$14,000,000, in the preceeding eleven years. He would free property from direct state taxes, would introduce a severance tax on all natural resources, and restore the tax supervising commissions for each county, appointed by the governor under a law of 1923, later held to be unconstitutional. These commissions, the governor thinks, would have saved the people \$2,000,000.

Governor Scrugham of Nevada would exempt automobiles from the personal property tax, and increase the gasoline tax to three cents. The latter move is also favored by Governor Hannett of New Mexico, as well as the imposition of tobacco and other sales taxes and the amendment of the present inadequate delinquent tax law, under which an enormous amount of tax is uncollected. The governor's plan is to authorize the state tax commission to employ attorneys, whose fees

would be placed on a percentage basis and assessed as costs against the delinquent owners. District attorneys are now empowered to force collection, but have proved unsuccessful. The governor would repeal the poll and road taxes as impracticable.

In the opinion of Governor Silzer of New Jersey, the inheritance tax, from which nearly one-half of that state's revenues are derived, should be left by the national government to the states. In New Hampshire the courts have embarrassed the state by invalidating the legacy tax of 1919 and, in substance, the inheritance tax of 1923. Governor Brewster of Maine thinks a strengthening of the laws in order to reach more intangible property better than a change in the tax. The income tax is opposed by Governor Billings of Vermont, who points to the recent action of Florida and Oregon, and submits a proposal for a tax on the gross earnings of water power companies.

In West Virginia, Governor Morgan thinks constitutional permission for the taxation of personal property should be secured. Governor McLeod of South Carolina commends a tax on soft drinks and the correction of gross inequalities in assessments, especially on vacant town and city lots. Governor Peay of Tennessee favors an amendment of the constitution to permit the assessment of personalty and franchises on the basis of combined value and income, as well as an increase of the gasoline tax and a tax on tobacco. The latter form of tax is also approved by Governor Ferguson of Texas.

Governor McCrae asserts that everywhere in Arkansas the grossest inequalities in the assessment exist. He denounces the township system of equalization, substituted for the county system in 1917, and favors a return to county boards of equalization, with more adequate powers, and less political in constitution. He advocates assessment at full value, the modification of the state income tax to correspond to the form of the federal law and the creation of a single state agency for the collection of state taxes, saying of the ex-officio collectors: "They are confessedly interested in securing the administration of the tax laws for purposes of politics and patronage."

Appropriations and Budgets. The problem of satisfactory budget and appropriations practice receives considerable attention in the messages. In recent years, the governors generally seem more appreciative of the value of approved methods in this field than they have been in the past.

In Pennsylvania, Governor Pinchot credits the department of state and finance with such intelligent foresight and such effective control in

the first budget ever made in that state that deficiency appropriations have practically disappeared, although they amounted to nearly \$7,000,000 in 1921. Governor Branch of Indiana, explaining that the estimates were reduced \$14,000,000 the first year, recommends the appointment by the governor of a committee of four from the legislature to advise with the budget clerk, and also the inclusion of all state departments under budget control. High commendation is bestowed on the work of the Iowa budget director by Governor Kendall. The operation of the Tennessee 1923 budget law receives approval at the hands of Governor Peay, who urges the abolition of all continuing appropriations.

Governor Smith of New York renews his efforts for a constitutional provision for an executive budget system and the prohibition of unrecommended appropriations until the governor's recommendations shall have been considered. Governor Baker of Missouri calls for the creation of a budget system similar to that of the federal government. In West Virginia, Governor Morgan, while agreeing that the board of public works is a better budget agency than the legislative committees, presents an argument for an executive budget and suggests a constitutional amendment to that end. For North Carolina, Governor McLean urges an executive budget commission functioning continuously, with enlarged power, instead of the present legislative commission. Governor Pothier of Rhode Island recommends the creation of a budget agency independent of any expending department. Governor Gunderson of South Dakota would substitute an executive budget for the present budget board. Governor Hartley of Washington believes in an executive budget to be prepared for the governor by the state department of efficiency instead of by expending officials, an ex-officio board, or legislative committees. In Montana, Governor Erickson recommends itemized appropriations and a new budget law that will not only control state expenditures but also check the disbursements of counties, cities and school districts.

In New Jersey, Governor Silzer, in reducing the requested appropriation for legislative employees, suggests that the legislature might find it more convenient to be served by qualified persons rather than by those who know nothing about their duties, care less and many of whom are seldom present. He also insists that all state funds be paid into the treasury.

Governor Baxter would amend the Maine constitution to prevent the appropriation of public money to any private institution. He,

and the incoming governor, Brewster, consider the contingent fund, established a decade ago, unwise; and the latter opposes continuing appropriations.

In Wisconsin, Governor Blaine advises that all indefinite and unlimited appropriations be restricted to meet unforeseen emergencies only. Governor Bryan of Nebraska would require a specific appropriation for every outlay, and would deposit all receipts in the general fund, as would also Governor Pierce of Oregon.

Governor Terral of Arkansas demands of the legislature conformity with the constitutional requirement of itemization and notifies the members that if the institutions should suffer because of a veto due to its failure, theirs would be the blame. The legislature of Colorado is urged by Governor Sweet to take control of the spending agencies now removed from its power, as the appropriations from the general funds constitute only about twenty-five per cent of the state expenditures. The budgeting of certain special funds is also urged on the Utah legislature by Governor Dern. Continuing appropriations are condemned by Governor Moore of Idaho.

An inventory of permanent improvements and capital expenditures is advocated by Governor Pothier of Rhode Island; and substantially the same by Winant of New Hampshire and Branch of Indiana.

State Reorganization. Plans for administrative reorganization were proposed in several states; and partial modifications are urged in many messages. Governor Smith of New York advocates a four-year term for the governor, and in a special message proposes further consolidations in connection with a constitutional amendment to group the state administration in twenty-one departments. Governor Christianson commends to the attention of the Minnesota legislature a proposal to consolidate 92 agencies into a few departments and to give the governor power to limit the expenditures through a department of administrative and financial control, with budget making, purchasing, auditing, tax regulating and personnel selecting functions.

In submitting the report of a survey on administrative reorganization, Governor Scrugham, of Nevada, says: "Private business is certainly organized on a plan which fixes responsibility on an individual who has the appointment and control of his co-workers. Without doubt such an organization produces a maximum of business efficiency . . . it is not certain that a complete change to private corporation practice would necessarily operate in public affairs."

General reorganization for Oregon is approved by Governor Pierce;

and Governor Gunderson of South Dakota, following the plan of an advisory commission which reported in 1923, proposes the consolidation of fourteen agencies under a department of agriculture and of others under a department of finance.

In Arkansas, Governor McCrae believes that better men can be secured for honorary boards than for paid boards. But his successor, Terral, recommends a highway board of three paid members and desires a paid charities and corrections board of three, to be appointed by the governor, in place of eleven unpaid boards and commissions with a total membership of 63. In Arizona, Governor Hunt seeks complete responsibility for the appointment of administrative officers. For Colorado, Governor Sweet advocates a four-year term for the governor; also a civil pension system for state officers and employees, and a director of finance, appointed by the chief executive to pass upon all bills as they are contracted, a thorough control over the traveling expenses of state employees and a central mailing office to prevent the use of departmental facilities by candidates for reelection. The incoming governor, Morley, recommends the abolition of the state tax commission (there is a board of equalization also), the repeal of several regulatory laws (such as those for boiler inspection and examination of horseshoers) and the elimination of the enforcement agencies.

Governor Bryan of Nebraska criticizes the previous legislature for failure to eliminate duplications and complexities in the administrative departments. He renews his plan of 1923 to have the governor appoint administrative subordinates, and claims to have reorganized the activities under his supervision until little of the "code" arrangement remains. Separate departments for banking and insurance are proposed, the departments of agriculture and public welfare to be abolished and their functions distributed elsewhere. In Kansas, Governor Paulen recommends for the state educational institutions an unpaid board of seven or nine, appointed by the governor for seven to nine years, in place of the small paid board, whose functions include also the charitable and penal institutions, but would retain the business manager.

In Iowa, Governor Kendall claims for the reorganized department of agriculture the performance of vastly more acceptable service at less than half the previous cost. Governor Small, of Illinois, advocates the addition of two new code departments. A central board of control for Indiana institutions meets the warm disapproval of Governor Branch, who insists that the members would be more interested in drawing their salaries than in the institutions.

Governor McLean of North Carolina admits that there exists no central organization in that state, and that no adequate control is lodged anywhere. He holds that the number of elective officers must be reduced if democracy is to produce efficiency.

In North Dakota, Governor Nestos favors a four-year term for all officials of the state and its subdivisions. His successor, Sorlie, recommends quadrennial sessions of the legislature and wishes to appoint a state efficiency expert with extended powers of investigation.

In Maine, Governor Baxter expresses appreciation of the executive council; and Governor Fuller favors biennial sessions of the Massachusetts legislature. Governor Pothier of Rhode Island desires to give the larger cities increased representation in the senate, and would abolish property qualifications for voting for elective officers in cities. Governor Denny of Delaware favors a constitutional amendment to enlarge the representation of the city of Wilmington in the legislature.

Governor Morgan of West Virginia disapproves of the split session of the legislature, and asserts that the chief results have been inconvenience to the legislators and added burdens to the taxpayers. Governor Terral of Arkansas urges the legislature to limit its employees by law to 35 for each house, and to impose a fine of \$500 upon the president or the speaker for every warrant issued to an employee in excess of that number.

Both Governors Smith of New York and Paulen of Kansas would take an advisory vote of the people on the child labor amendment to the constitution of the United States; and the latter favors this procedure on all future amendments. Governor Smith advocates the initiative for amending the state constitution; and notes that the adoption of the home rule amendment has relieved the pressure on the legislature and lessened the interference of the legislature in purely local affairs. Governor Blaine of Wisconsin advises concurrence by the present legislature in proposed constitutional amendments providing for the initiative, the referendum and the recall and home rule for towns, villages, cities, and counties.

Governor Silzer of New Jersey asks for authority to remove, after charges and a hearing, all members of any state board appointed by him, and also all judges of district courts. Branch suggests that the governor of Indiana be empowered to remove from office any law enforcing official who refuses to do his duty. Baker of Missouri would like authority to remove any county or city officer, after formal complaint has been made of failure to perform his duty. Donahey of Ohio

reports during his first term the removal of two mayors, a director of public service and a chief of police. He would exempt the last office from civil service law protection as against the mayor.

Pothier believes the sheriffs of Rhode Island should be elected by the voters of the counties instead of by the legislature, but also favors the creation of a bureau of investigation manned by trained detectives in the attorney general's department.

Several governors consider the pardon power. Pinchot points out that the board of pardons in Pennsylvania in 1914 granted 59.5 per cent of the pardons applied for; in 1921, 31 per cent; in 1922, 32 per cent; and the average for ten years was 34.4 per cent; while thus far in his administration only 28 per cent of the applications have been granted. Ferguson of Texas forecasts a liberal pardon policy, but asks that applications for pardon be based on physical condition and prison record rather than upon supposed political influence. Sweet asserts that the pardon power requires more of the governor of Colorado's time than any other activity. McLean would amend the constitution of North Carolina to grant the pardoning power to a board instead of to the governor. Bryan of Nebraska considers that the practice of trial judges in Nebraska in giving sentences of from one to twenty years for most offences is unfair to the board of pardons and paroles, as on the expiration of a year, with good behavior, the prisoner, his friends and attorneys besiege the board for clemency. He would also amend the procedural law to allow the judge to discuss the evidence for the jury. On the other hand the retention of the indeterminate sentence law is recommended by Governor Peay of Tennessee; and the enactment of such a law is recommended by Governors McLeod and Blaine of South Carolina and Wisconsin.

State and Local Relations. More attention than formerly is given to the relations between the organs of state government and local authorities, and some phases of administrative control over local officials and activities seem to be steadily gaining in favor.

Further restrictions upon local borrowing powers in Massachusetts are favored by Governor Fuller, who would allow indebtedness beyond the statutory limit only if an initial contribution be made from current income. He believes a classification of municipalities on the basis of assessed valuation and a corresponding classification in the application of the borrowing statutes, would result in a more systematic financing of public improvements and materially lessen the period of loans. Governor Baxter of Maine thinks the local communities should be

forced to bear their own burdens for the care of the poor and the sick, because of the local knowledge of conditions and local self-interest in keeping down expenses. This recommendation is seconded by Governor Brewster in approving the assessment of a fair portion of the expense of caring for defectives upon the communities from which they come. Of course this practice is not unusual. An appeal from the decision of the local authorities in New Jersey to a state board in the matter of expenditures, budget-making, or the issue of bonds, would meet the approval of Governor Silzer. A similar plan to control bond issues in North Dakota, and the requirement of serial bonds, appear wise to Governor Nestos.

Governor Donahey of Ohio would give the people of each taxing district direct and full control over future increases of tax levies, debts, and sources of revenue, and promises to veto any attempt to authorize additional local taxes without the approval of the electorate. In Tennessee, Governor Peay promises to veto any act authorizing a new county or municipal bond issue unless provision is made for a popular vote; and provision for a similar procedure is urged by Governor Hartley of Washington. If Governor Christianson of Minnesota has his way, bond issues by municipal governments, except for refunding purposes, will be voided unless they carry in irrepealable tax levy for an adequate sinking fund.

No contract should be awarded for any new high school building or for the material alteration of an old one in West Virginia, until after the approval of the state board of control, in Governor Morgan's opinion. The laxity of accounting methods in the county governments of North Carolina is attributed by Governor McLean to a system of government unadapted to present needs. He would fix by general law simple standards of administration and accounting.

Governor McCrae of Arkansas would forbid counties, school districts and cities to issue warrants or incur obligations in excess of current income, and make the violation of such prohibition a criminal act. Trapp of Oklahoma thinks that a nonsalaried board of freeholders, popularly elected and equipped with the requisite powers, would check the useless expenditures of money by the present county excise boards now authorized to act as appropriating and spending officials. The compulsory adoption and publication of a budget by county, school district, and city officials prior to the levy of any tax, is recommended by Governor Ross of Wyoming as a means of encouraging economy.

Elections. The direct primary is both criticized and defended.

Governor Branch would make the present Indiana law optional with localities and compulsory for the selection of delegates to state conventions which would nominate state tickets. He would amend the absent voters' law to eliminate frauds. The new governor, Jackson, however, does not believe the demand for repeal comes from the rank and file of the voters. Governor Paulen of Kansas favors a state convention of delegates from county conventions to nominate candidates for state offices with the exception of the governor.

In Maine, Governor Baxter believes that former political leaders who have been deprived of power by the direct primary are making an attack upon it, as a system under which party manipulations have been discarded and the people have come into their own. Governor Brewster of the same state also praises the primary and would require party enrollment to prevent participation in the party primary of its too recent adherents. Governor Richardson of California thinks that the primary has again proved its value in the recent election, and has permitted him to conduct the affairs of the state on a business basis, since under it no pledges to any political machine are necessary for success.

Governor Donahey of Ohio would broaden the primary system to permit voters of no party affiliation, or those unwilling to state publicly their affiliation, to participate in the nominating of candidates, and would enable bona fide groups of voters other than the parties to have watchers at the polls. He believes quadrennial registration sufficiently frequent for cities now having it annually, and favors permanent registration where it is now quadrennial. In Rhode Island, Governor Pothier would provide biennial instead of annual registration, and also a revision of the general caucus laws to compel the use of the secret ballot and to allow sufficient time for voting.

The legislature of Missouri has been authorized by a constitutional amendment to enact a registration law for counties of over 100,000 population and in cities of over 10,000 population. Governor McCrae of Arkansas favors the consolidation of state and congressional elections and a run-off primary for offices where no candidate has received a majority.

Governor Morley of Colorado would prevent the adherents of one party from voting in the primary of another party by means of party enrollment. Hunt of Arizona advises a presidential primary law and a revision of the registration system to lessen the cost. Governor Han-nett of New Mexico says the laws for the registration of voters and for elections are so loosely drawn that they invite fraud; and he favors

personal registration, the office group ballot and the direct primary. In Utah, Governor Dern favors a plan, sponsored by the state bar association, under which judicial candidates will be elected on a separate ballot with the names in alphabetical order without party designation, will be prohibited from making campaign contributions and may hold office during good behavior.

Governor Fuller of Massachusetts believes the corrupt practices act should be revised to prevent large expenditures either by a candidate or in his behalf. Smith of New York would publish before election the statements of candidates' expenditures now required to be filed after election, and would restore the primary for the nomination of candidates for state office. Silzer of New Jersey would abolish the bureau of elections for Hudson and Essex counties, which, he says, have cost the taxpayers uselessly \$525,000 since their establishment in 1918.

A strengthening of the banking law, generally in the form of restrictions upon loans, close supervision, limitations upon the organization of new banks in territory already served, or improved methods of aiding or administering failing banks is proposed in Indiana (Governor Branch), Iowa (both governors), Kansas, Missouri, North and South Dakota, (Governor McMaster), Wyoming, Arizona and New Mexico.

A system for the arbitration of commercial disputes arising out of contracts is recommended by Governor Fuller of Massachusetts, to relieve the congestion of court business and to secure speedier and more satisfactory decisions at less expense.

North Carolina is declared by Governor McLean to be one of only six states, and the only great industrial state, without a workman's compensation law. A minimum wage law for the women of Colorado is urged by Governor Morley. Governor Smith again asks the New York legislature for a forty-eight hour week for women in industry and for the creation of a minimum wage board for women and minors with investigatory and recommendatory powers. One of the few governors of northern states to oppose vigorously the child labor amendment was Hartley of Washington, using these words, "The people of our state will never permit its youth being made the victims of a nationalization or federalization policy that no modern government but Russia has ever attempted to exercise, and since the entire proposal is wholly socialistic and wholly opposed to American ideals it should be promptly rejected."

A large amount of space in nearly every message is devoted to the subject of highways. The recommendations are generally so specific

and detailed and so unrelated to governmental principles that but little comment can be indulged in here. Governor Richardson states that nearly half the state highway mileage of California is of local character, commonly called "pork barrel" roads, placed in the system by legislative action or by vote of the people. On the other hand, Governors Denny and Robinson wish the state highway department of Delaware to extend its jurisdiction gradually over all the roads of the state, with provision for building, when practicable, roads of less expensive material than cement and macadam. Governor Groesbeck believes the establishment of a future highway program to be the most urgent of the problems confronting the Michigan legislature.

Ohio will have no constabulary, state police, rural police, or state traffic police if Governor Donahey can prevent it; while Governor Pothier would have a state police, motorized highway patrol, and a bureau of investigation, for Rhode Island. Governor Bingham would increase the police force of Connecticut as the best machinery for law enforcement by state authority. Governor Branch would likewise increase the force of Indiana. But Governor Ferguson would reduce the number of Texas rangers and use them to cooperate with the sheriffs and other local officers and not send them into counties unless there should be a flagrant disregard of duty by the sheriffs.

Governors Dern, Billings and Fuller recommend the consideration of a proposal requiring the drivers of automobiles to furnish security for liability for personal injury or death caused by their vehicles. Under the New York law, explains Governor Smith, a personal record of each driver is being kept by the bureau of motor vehicles. Hundreds of reckless and incompetent drivers have been eliminated from the roads, and suspensions and revocations of licenses are being made daily, and statistics showing how, when, and why, accidents occur are being compiled.

Governor Fuller assigns as the cause for the most constant criticism of the civil service system in Massachusetts, the enforced retention of employees in the service unless guilty of the most serious offences. The reclassification of the positions and salaries of all state employees is considered by Governor Pinchot a most valuable achievement for Pennsylvania. He claims a reduction in the salary rolls of the Harrisburg appointive departments of \$1,750,000, accompanied by an increase in the quantity and quality of work. His administration attempts to replace the old order of push and pull by a new order of cooperation and advancement based on merit. "One well-paid and well-treated

employee with an open road to advancement on merit costs the state far less than two dissatisfied, half-hearted, clock watchers." Governor Sweet of Colorado devoted a page to the subject of state employees and charges the state with failure to apply even the most elementary principles of good personnel management, especially in the matter of standardization of salaries. Noting that some appointees have been serving provisionally for two years, he would compel an examination of state employees under the Colorado civil service law not longer than ninety days after a provisional appointment. In connection with the three elections held in California during the past two years, Governor Richardson insists that not a single dollar of assessment has been levied against any civil service employee,—a fact in striking contrast to the practice of open assessment under the old political methods.

The abuse of the emergency provision in the referendum clause of the constitution by the legislature of Arkansas is denounced by Governor Terral. The defeat of the oleomargarine bill at an Oregon referendum is attributed by Governor Pierce to the circulation of false and misleading propaganda picturing butter at one dollar a pound.

The most serious problem in the education field confronting the states seems to be that of the rural school. Governors Pothier, Baker, Erickson, McLean, Peay, Pinchot and Smith touch upon this subject. Governor Hartley of Washington believes that if higher education is to profit the state and be maintained without burdensome taxation, entrance examinations and educational standards are demanded that will eliminate those unprepared, unable, or unwilling to conform to such standards. Governor Nestos of North Dakota would set aside three hours a week out of the school time to enable parents and the various religious denominations, either singly or in groups, to give religious instruction without public expense.

A considerable portion of Governor Nestos' message is devoted to a description of the status of the several state activities initiated under the previous administration in North Dakota. He believes the state mill and elevator plant as efficient as can be found anywhere, but "in proportion to capacity, the inglorious fact remains, one of the costliest in existence,"—more than double the average amount. He believes the plant should be able to make operating expenses in the years to come, while Governor Sorlie expects to be able to make the mill an asset of incalculable value to the state, and pay cash dividends. The smaller state mill failed to make operating expenses and has been closed. Governor Nestos asserts that for only one of the fifty-three houses

erected by the Home Building Association was a written agreement found as specified by the law. About one hundred farm loans had been made for more than the land was apparently worth, and many to those who were not actual farmers. The great majority had paid no part of the interest or principal, owners had in many cases abandoned the land, and some had even left the state. Millions in interest and principal were delinquent on land contracts under the board of university and school lands,—in December 1922, 400 land contracts were delinquent for five to twelve years. (Not all of this carelessness could be laid at the door of the Non-Partisan League.) Governor Sorlie regards the state bank as "an instrument of great potency in the establishment of the financial independence of the state," "the greatest forward step of the decade along politico-economic lines." Governor McMaster announces the completion of the South Dakota cement plant and believes the people wish its operation to be given a fair trial. Governor Gunderson notes that the plant has cost four or five hundred thousand dollars more than the commission assured the 1923 legislature would be the maximum. Governor McMaster asks the legislature to authorize the state sale of gasoline and hints at a similar provision for coal—"giving the governor the power to curb excessive profit." Governor Bryan makes a similar request, claiming to have saved the people of Nebraska \$10,000,000 in the price of coal and about \$13,500,000 in the price of gasoline.

Some paragraphs of a number of the messages, though not closely related to governmental problems, are of a general interest on account of the point of view or philosophy of government expressed. Governor Richardson attacks the yellow journals of California which, he says, cost the people many millions more than the foot and mouth disease through the effect of their exaggerated stories upon other industries. The problem can be solved by the demand from subscribers and advertisers for truth in the news. In a plea for less government, Governor Moore says, "Discontent breeds revolution and governments are overthrown by revolution. Revolution is fostered by radicalism and debt. Radicalism is fostered by autocracy, encouraged by numerous state and federal bureaus." Later on he advises the legislature to investigate the operation of the syndicalism law, "with a view of making it more effective." Governor Robinson of Delaware speaks thus, "Each generation presents its own problems. . . . The horse has been supplanted by the automobile, and it seems as if it will not be long

before the automobile will give way largely to transportation through the air. But our government, as instituted by our forefathers, remains practically the same as it was nearly one hundred and fifty years ago. We will do well to pause and consider thoroughly before we attempt to add to or detract from the constitution which has guarded us so well for so many years."

Some of Governor Baxter's comments, in a message which it is not customary for Maine's retiring executive to give, are of interest. He states that he offered an important place on a board to investigate the tax exemption laws to nine prominent men before one was found to accept it—"my experience has not given me a very high opinion of the public spirit of certain prominent business men of Maine." He attributes this remark to one of the state's most prominent citizens, a bitter opponent, "I wish to God we could find something on him in his private life and then we would be able to control him." He says elsewhere, "The greatest obstacle to sound legislation is 'log-rolling' or trading support on legislative measures." "As governor I have oftentimes found myself hampered by lack of power, by the indifference of the people, and by the want of an awakened and wholesome public sentiment." "It has been a maxim of the legislature that each member is entitled to one law," remarks Governor Brewster of the same state. Branch of Indiana says: "When it comes to making laws, politics should be left at home. While the members of the legislature are nominated by political parties, yet they come here not as Republicans or Democrats but the representatives of all the people."

Governor Donahey interprets the election of a Democratic governor and a Republican legislature as evidence of a desire on the part of the Ohio people for "a rest, so far as political upheavals are concerned." With one exception, he sees no need for departmental changes which "have often been made too frequently in the past fifteen or twenty years, to the confusion and disgust of the public, often solely for political reasons,—pure ripper legislation." In discussing law enforcement, Governor Pierce makes the prophecy that, "should the time ever come when the wild mob surges down the street, as it so often has done since civilization had its beginning more than six thousand years ago, vast wealth will then be of no avail. The plea for mercy will go unheeded unless the average citizen believes that all have secured justice under the operation of the government." Governor Sorlie would like to broadcast from a state station the cheapness of North Dakota lands and the excellence of her opportunities, to the radio fans of the country.

Governor Ferguson invites the special attention of the Texas legislature to the banking department, although "business prudence would not permit an extended discussion of the state banking conditions in this message."

RALPH S. BOOTS.

University of Nebraska.

NOTES ON MUNICIPAL AFFAIRS

THOMAS H. REED

University of Michigan

The year and a half which has elapsed since the last notes on municipal affairs, in the August 1923 number of the REVIEW, has been a period of more than usual significance. The principle of municipal home rule has been notably extended. Interesting changes have been made in the form of government of several of our larger cities. The city manager movement has effectively invaded the larger centers of population, and the management of metropolitan areas has come to the front as the chief problem of the statesman.

Municipal Home Rule. Very substantial progress has been made in the direction of home rule. It is to be regretted that the people of Missouri refused to ratify the home-rule amendment which the constitutional convention submitted to the people. St. Louis and Kansas City remain the only cities in that state with the privilege of making their own charters. This check, however, was more than made up by the adoption in November 1923 of an amendment to the New York constitution providing for a measure of home rule for the cities of that state. The 1924 legislature unanimously adopted the Enabling Act necessary to carry the provisions of the amendment into effect. The New York law confers a large degree of local autonomy. It provides that the legislative body of the city may submit to the electors the question: "Shall there be a commission to draft a new city charter?" The legislative body fixes the number of members of the commission and the method of appointment or election of its members. The work of the charter commission must be submitted to the vote of the people. In cities having a "commission" government the "local law" providing for such a charter commission may be initiated by petition. To what extent this process of charter revision will be made use of is doubtful, in view of the fact that the local legislative body is given power to make local laws relating to the "property affairs or government" of the city, including changes in the form of government. Certain of these local

laws, among them those changing the veto power of the mayor, abolishing an elective office, transferring or curtailing the powers of an elective officer, changing a law relating to public utility franchises or the membership or terms of office of a civil service commission, are subject to a mandatory referendum. Other laws are subject to an optional referendum. In general, however, the charter and all other special acts of the legislature relating to cities may be amended by the city council without other formality than a majority vote of all the members elected to the council. The legislature is prohibited by the home-rule amendment from passing special city laws, except measures recommended by an emergency message from the governor and passed by the concurrent action of two-thirds of the members of the legislature. Conversely local city laws cannot supersede the acts of the legislature relating alike to all cities or referring to other subjects than the "property affairs or government" of cities. Certain subjects are specifically removed from the competence of the city legislature such as changes in the laws affecting debt limits or restricting bond issues, relating to education, the auditing or examining of accounts by the state controller, and so forth.

The New York law has apparently come no nearer a self-operating definition of the scope of home-rule powers than any of its predecessors. The phrase, "property, affairs or government" invites judicial interpretation. It is already in the courts, the legislature having in one or two cases defied its most obvious implications.

At the general election of November 1924 the people of Wisconsin and Arkansas adopted home-rule amendments to their constitutions. The Wisconsin amendment provides that "Cities and villages organized pursuant to state law are hereby empowered to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the Legislature." This is evidently intended to open the way for home-made city charters. The Arkansas amendment is curiously worded, but goes no further than to prohibit special legislation by the general assembly and to confer upon counties and municipalities a broad general grant of local legislative power. This amendment also assures the use of the initiative and referendum in local affairs.

The City Manager Plan. The City manager plan began its first trial in a really large city on January 1, 1924. The Cleveland Council

selected as Manager, W. R. Hopkins, a lawyer resident in the city from his early youth, who was widely known for his leadership in the construction of the belt-line railway. He was known to be a man of character and standing, a trustee of Western Reserve University, and at the same time a Republican on good terms with the dominant political machine of the city. His salary was fixed at \$25,000 a year, the largest salary yet paid to a city manager. After a complete year of service, Mr. Hopkins stands out as a man of ability and vision. He has been rather surprisingly independent of the party influences which secured his appointment. Considered from the point of view of city manager practise, his administration so far has perhaps tended to make too prominent a figure of the manager. This is an easy error for a man of great activity and powers of popular persuasion to fall into. It is probable that Mr. Hopkins thinks of himself as the successor of Tom Johnson and Newton Baker, rather than as the hired agent of the city council. So far, however, the results have apparently been very satisfactory to the public of Cleveland. One can hope for, even believe in his success, and at the same time pray that lesser city managers may not try to emulate too closely his rôle of leadership. The effect of proportional representation on the government of Cleveland will be discussed in a subsequent paragraph.

Cincinnati has long been regarded as a veritable citadel of "bossism." Nowhere else has the Republican party been better disciplined or longer intrenched in power. It was a surprising revolt on the part of what has all along been deemed a timid and lethargic public when, on November 4, 1924, charter amendments, providing for a council of nine members elected by proportional representation and the city manager plan, were adopted by a vote of 92,091 to 40,365. Such a victory won against the hearty opposition of such a machine argues the existence of some powerful force hitherto unobserved from the outside. An analysis of the situation discloses this force to have been the increasing financial impotence of the city. Cincinnati in common with the other Ohio cities suffers from a rigid tax limitation by law (the so-called "Smith One Per Cent Act," 1911) to one per cent of the assessed valuation. These cities in general, and Cincinnati in particular, have been obliged in recent years to borrow money for the purpose of meeting expenses which should be met out of current revenue. At the same time the people of Cincinnati have uniformly rejected all proposals to increase by popular vote the amount of their levy. The situation has grown progressively worse, each borrowing cutting deeper into the amount of revenue available for general expenditures.

In the course of 1923 Mr. Murray Seasongood, a prominent Cincinnati attorney, launched a very vigorous attack on the city administration. Partly influenced, perhaps, by a desire to forestall Mr. Seasongood, and apparently also by a very real desire to discover some way out of the financial dilemma, the Republican executive and advisory committee of Hamilton County appointed a committee of citizens to investigate and report upon the operation of the city government and its financial status. This committee engaged Dr. L. D. Upson of Detroit, and under his direction a thorough survey was made of every branch of the city and county administration, and of the financial situation of both these political entities.

The survey brought to light no serious graft, but disclosed a considerable amount of laxness and inefficiency. It found two great obstacles to good city government: first, lack of funds; and second, the paralyzing effect of too long continued one-party domination. To meet the latter situation it recommended the election of a small city council at large by the use of proportional representation. The old city council of 31 members, twenty-five elected by wards and six at large, had obviously outlived its usefulness. There was but one Democratic member, and that a very unimpressive and inarticulate one. The great majority of its members were merely automata acting at the direction of the machine. The campaign for the adoption of charter amendments was already under way, and the survey report had the good fortune to come at a psychological moment for its effect on public opinion.

It is a matter of considerable regret that the people at the same time they adopted proportional representation and the city manager plan voted down again a proposition for a special tax levy to take care of the certain deficit in the current fiscal year. There was apparently a wide-spread feeling of unwillingness to trust the present city authorities with more money. If Dr. Upson is right in his conclusions, and there is every reason to believe that he is, no improvement in the governmental machinery of Cincinnati will alone be sufficient to give her good city government. If something is not done to provide for revenue before the city manager plan goes into effect in January, 1926, it will be the manager's first duty to endanger his own popularity by recommending a special tax levy.

On February 24, 1925, the voters of Kansas City, Missouri, adopted a new charter employing the city manager plan by a vote of 37,363 to 8,879. This was the culmination of a long campaign for charter reform

in Kansas City. The present charter was prepared by a charter commission elected on February 26, 1924, pledged in advance to write a city manager charter. In the spring and early summer the commission worked on the draft of the charter, and with the assistance of the Kansas City Public Service Institute a tentative draft was prepared and published. This draft was then subjected to criticism and revision. Credit for the good qualities of the final text of the charter is due in large part to Mr. Walter Matscheck of the Kansas City Public Service Institute who acted as executive secretary of the charter commission. The charter provides for a council of nine members, four members elected one from each of four districts, four members elected at large and a mayor also elected at large. The term of all members of the council including the mayor is four years. The salary of members of the Council is \$2,400 except that the mayor receives \$5,000. The position of the manager does not differ materially from the standard of city manager charters. Except for the city clerk and auditor, who are chosen by the council, he appoints the heads of city departments and is apparently given adequate administrative control over them. The civil service provisions of the charter are ample and well devised. Otherwise the document will be found chiefly remarkable for its length. It consists of 488 sections and covers 166 pages of large format and small type. At a conservative estimate it is ten times as long as the Constitution of the United States.

In December 1924 the people of Fort Worth, Texas, adopted a new charter providing for the city manager plan. The council is to consist of nine members elected at large with four-year overlapping term. The councilmen are allowed \$10 for each meeting attended, not to exceed 52 a year. They are to be nominated by petition of three hundred electors and a single nonpartisan, plurality election decides the choice. The charter provides that the manager is to be chosen "solely upon the basis of his executive and administrative training, experience and ability, and without regard to political considerations. Qualifications being equal, preference shall be given in the selection to a resident citizen of Fort Worth for this position." The administrative control of the manager is confined to six departments, financial, police, fire, engineering, public health and welfare, and water-works. The library and school board are elected by the people, while parks and recreation are administered by boards appointed by the council. The charter provides for the initiative, referendum and recall, and a civil service commission of the traditional sort appointed by the council.

City Manager Brownlow, of Knoxville, Tennessee, gained wide publicity in the autumn of 1924 by refunding to the tax-payers \$280,000 from the surplus in the city treasury. Each tax-payer received a check for 10 per cent of the amount of his last tax bill. Receipts had exceeded budget estimates because of the fact that certain sources of revenue had apparently never been recorded by previous administrations. Mr. Brownlow has been accused of playing politics by making this refund on the eve of the primary election. It might well be retorted that if this is politics, let us have more of it. Certainly it was a novelty in the experience of American tax-payers. Furthermore, the rebate itself, apart from the time of making it, is thoroughly defensible as a means of equalizing the tax burden of the two next fiscal years.

Propositions for the adoption of the city manager plan of government were defeated in the course of 1924 at Montclair, New Jersey, Fresno, California, Savannah, Georgia, and Butte, Montana. The last of these proposals was for a consolidated city and county government. The charter had been prepared by A. R. Hatton and represented much of the best thought of the day with regard to municipal and county organization. It was defeated by about 600 votes. On March 10, 1925, the people of Seattle defeated a city manager charter by a majority of about 4,500 in a total vote of 50,000.

On the whole the city manager movement, if we are to judge by the number of cities adopting it, grew more slowly in 1924 than in any of the three preceding years. The City Manager Magazine for January 1925 gives the following figures:

YEAR ADOPTED	BY CHARTER	BY ORDINANCE	TOTAL
1920	23	12	35
1921	42	7	49
1922	28	10	38
1923	40	9	49
1924	19	16	35

These figures, however, do not tell the whole story. It is much more significant that the city manager form of government has begun to work well in Cleveland and has been adopted in Cincinnati and Kansas City, than that it has been adopted or rejected in a score of smaller places. The city manager form of government is now beginning seriously to interest the large cities of the country. A committee of the Newark, New Jersey, Chamber of Commerce has reported in favor of the manager

plan of government, and a referendum of the membership of the Chamber of Commerce approved the report of the committee by a vote of 958 to 186. Minneapolis will vote this spring on a manager charter. A vigorous campaign for the manager plan is under way in Rochester, N. Y. The next three or four years will be critical of the fate of the manager plan. If it works well in Cleveland, Cincinnati and a few other large cities, it bids fair to become the standard form of American municipal government. If it does not, it will tend to recede as the commission form of government is already receding.

City Managership as a Profession. One of the hopeful signs in connection with the city-manager movement is a genuine development of professional spirit among the managers. The program of the Convention of the City Managers' Association at Montreal in September 1924 was carried through almost altogether by the members of the Association themselves. Previous conventions have depended almost largely upon the importation of speakers not themselves city-managers. The convention was the largest yet held, and the general appearance and demeanor of the delegates was superior to that at any previous convention. A new constitution and a code of ethics were adopted. Some criticism might be passed upon the code of ethics as a literary production, but it indicates the existence of a clear understanding of the managerial relationship, as will appear from the following extracts:

"5. Loyalty to his employment recognizes that it is the council, the elected representative of the people, who primarily determine the municipal policies, and are entitled to the credit for their fulfillment.

"6. Although he is a hired employee of the council, he is hired for a purpose—to exercise his own judgment as an executive in accomplishing the policies formulated by the council, and to attain success in his employment he must decline to submit to dictation in matters for which the responsibility is solely his.

"7. Power justifies responsibility and responsibility demands power, and a city manager who becomes impotent to inspire support should resign.

* * *

"10. A city manager should deal frankly with the council as a unit and not secretly with its individual members, and similarly should foster a spirit of coöperation between all employees of the city's organization."

There is evident also an increased stability in the tenure of city

managers. Taking the length of service as manager as it appears in the year-books of the City Managers' Association for 1920 and 1924, which are sufficiently accurate for this purpose, we get the following results:

YEARS OF SERVICE	1920	1924
1	57	30
1-2	44	70
2-3	33	53
3-4	8	37
4-5	5	30
5-6	3	26
6-7	7	18
7-8	1	5
8-9	1	2
9-10	2	1
10-11	1	4
10-12		1
12-13		1
13-14		1

Ward Versus At-large Elections. Boston has had since 1909 a small council elected at large. At the November election the people of that city voted in effect on three alternatives: (1) the retention of the present system, (2) a council of fifteen, chosen three from each of five boroughs; a proposition which obviously looked to the ultimate introduction of proportional representation; (3) a council of twenty-six, elected one from each ward of the city. The last proposal was adopted by a considerable majority. The result may not be of very great importance to Boston for, as was said years ago, there is "little left to be done with the Boston Council except to put it out of pain." The mayor is for his term of office almost an absolute municipal dictator. The reaction of the people of Boston, however, to fifteen years of at-large election of a small council is worthy of notice. It is the hope of friends of good government that two or three wards will send independent and aggressive representatives who will from the vantage point of the floor of the council serve as tribunes of the people. They can do very little but they can say a great deal.

Earlier in the year Los Angeles voted upon the adoption of a new charter which provided for a council of 11 members elected at large, with an alternative of 15 members elected by districts. A majority of the persons voting upon the question of adopting the alternative voted

in its favor. The affirmative vote for the charter, however, was larger than the affirmative vote for the alternative so that the alternative was declared to be lost. Here again, the probable desire of the people was for ward representation. In Boston and Los Angeles at any rate there is support for the proposition that at-large election of a council in a very large city so attenuates the relation between the representative and his constituents as to produce serious dissatisfaction.

Proportional Representation. The Cincinnati survey recommends proportional representation as the only means of meeting the evils so obviously present in the existing constitution of the council. All but a half-dozen of its thirty-one members were found to be mere nullities. To get men of larger caliber in the council, a smaller body and at-large election seemed necessary. At-large election without proportional representation would have meant the delivery of the whole council to the Republican machine with no chance for an independent or a Democrat. Hence the recommendation of proportional representation. This line of reasoning seems to have appealed to the public of Cincinnati and the plan was adopted.

In the last notes reference was made to the fact that the supreme court of Ohio had sustained the proportional representation feature of the Cleveland charter, but that the case was not yet available. The decision in question was that of *Reutner v. Cleveland*. It is unfortunately not a very strongly reasoned opinion. It rests ultimately on an interpretation of the home-rule clause of the Ohio constitution as being sufficient to sustain regulation of the suffrage by charter provision. It intimates, however, that the fact that a voting system deprives a ballot of its full effect is not necessarily a violation of the constitutional guarantee of the right to vote to all citizens.

The Cleveland city council elected by "P. R." in the fall of 1923 has now been in service a full year and it is possible to frame some estimate of its success. If popular interest is a criterion the new council is far superior to its predecessors. For the four years preceding January 1 1924, the average public attendance at council meetings was fifty. During the past year it has been about five hundred. The presence of such independents as Professor Hatton and Peter Witt has made its sessions interesting as a play. It has done something more, however. It has provided vigorous and constructive criticism of the administration. Without "P. R." the Cleveland council would have been almost as one-sided as that of Cincinnati, unprotestingly following the lead of a

boss. Under "P. R." the council has been a real forum in which the views of the opposition have been clearly and amply expressed. If the people of Cleveland do not know what is going on in their city government it can only be because they do not enjoy reading the spicy accounts of council debates with which the papers have been full.

Sixteen Managers for Los Angeles. The new charter of Los Angeles adopted by voters of that city on May 6, 1924 is in marked contrast to the general tendency of recent years toward the concentration of power and responsibility for the executive conduct of city affairs in the hands of the mayor or manager. In fact it carries diffusion of executive power to an extraordinary degree. Only three officers are elected at large, the mayor, city attorney, and comptroller. Their term of office is four years. The mayor appoints and removes, in both cases subject to the approval of the council, several of the more important city officers such as city treasurer, city clerk, and the boards or commissions which are placed in charge of the principal activities of the city. There are altogether sixteen such boards; each consists of five members appointed for terms of five years, one retiring each year. With the exception of the Board of Public Works they receive no salary except an attendance fee of \$5.00 per meeting. The Board of Public Works appoints the city engineer and each of the other boards appoints a general manager to serve at its pleasure. These general managers have power to appoint, discharge, suspend or transfer employees subject to the general civil service provisions of the charter. A list of these boards indicates the completeness with which they cover the ordinary activities of the city: Building and Safety, City Planning, Civil Service, Fire, Harbor, Health, Humane Treatment of Animals, Library, Municipal Art, Parks, Pensions, Playground and Recreation, Police, Public Utilities and Transportation, Social Service, Water and Power.

It is said that the board of freeholders did not seriously consider the adoption of the city-manager form of government, but what they have done is in effect to create sixteen managerships with no effective agency for correlating their services. The power of a mayor, with a four-year term, over boards appointed as these are is going to be slight indeed. There will be sixteen *imperia* in the *imperio* of Los Angeles. The plan may work, worse schemes have, but it cannot be denied that the board of freeholders have flown in the face of experience.

The Problem of Metropolitan Areas. The problems involved in the fact that the economic and social areas of our great urban centers

are far wider than the boundaries of any one municipality have been receiving increasing attention from students of municipal government. Reference was made in the last Notes on Municipal Affairs to the "Plan of New York and Its Environs." This organization has been actively prosecuting its work and has prepared an impressive number of reports besides carrying on a vigorous educational campaign in New York and the satellite communities which surround it. The Massachusetts metropolitan district commission added to its organization in 1923 a metropolitan planning division under the chairmanship of Mr. Henry Harriman. This division has already done a great deal of excellent work especially in relation to the traffic problems of Greater Boston. The Board of Commerce and the Bureau of Governmental Research in Detroit have done considerable preliminary work in studying the relation of the outlying communities to such problems as water supply, drainage, transportation. A constitutional amendment authorizing the creation of metropolitan districts for certain limited purposes, including those mentioned, has been submitted to the Michigan legislature. At the National Municipal League meeting in Boston, November 1924, a whole day was devoted to the discussion of the problems of metropolitan planning and government.

City and county consolidation has, of course, a direct bearing upon the solution of the metropolitan problem. The defeat of the Butte charter, already noted, is greatly to be regretted. The state of Georgia, however, adopted in 1924 a constitutional amendment authorizing the legislature to consolidate by special act cities of more than 52,900 population with the counties of which they form a part. This is probably not the proper way of getting at the matter of city and county consolidation, but it indicates some realization of the problem. In Florida a proposed constitutional amendment to authorize consolidated city and county government in Duval County was defeated.

City Planning. The most notable recent achievement in the field of city planning other than the progress of the great regional plan for New York City was the adoption by the Massachusetts Legislature of 1924 of a Zoning Act for Boston. This act differs from most of its predecessors in regulating the use of premises as well as buildings. It provides for six "use" districts—single residence, general residence, local business, general business, industrial and unrestricted—and for five "bulk" districts based on heights of 35, 40, 65, 80 and 155 feet, respectively.

The long standing deadlock between the state appointed transit commission (and its predecessors) and the New York city authorities was partially resolved by the 1924 legislature. A new board of transportation to be appointed by the mayor was created, and to it was entrusted the choice of new subway routes, the construction of new lines and their operation, the construction of uncompleted portions of the lines already projected. The transit commission continues to be charged with the general regulation of transportation and the administration of the existing subway contracts. There are already indications that the work of rapid transit extension will now be vigorously pushed.

Chicago voters rejected April 7 (329,228 to 227,554) the transportation ordinance submitted to them by the city council. The ordinance provided for purchase and considerable extension of surface and elevated lines, construction of subways, and acquisition of equipment, to be paid for by securities. These were to be refunded out of the earnings of the system on a service-at-cost basis. An expenditure of \$621,000,000 was contemplated. Control was to be vested in a board, chosen partly by the mayor, partly by the security holders. The question of city operation of the proposed system, submitted separately, was also defeated.

Butlerism in Philadelphia. The most sensational events in recent years in the field of municipal politics have centered about the career of General Smedley D. Butler, as Director of Public Safety in Philadelphia. The mere act of borrowing a Marine officer for such a position was in itself sensational, and the methods employed kept the wires hot for months. The fact that Butler's leave of absence from the Marine Corps has been extended for another year seems to indicate a certain degree of success for his administration. Perhaps blasting powder was necessary to break up the long-time alliance between politics and vice in Philadelphia. At any rate Butler used it and has so far escaped the fate that usually awaits those who defy the traditional methods of party management in cities.

Secretaries of State Leagues of Municipalities. The secretaries of ten state leagues of municipalities met for an interchange of methods and ideas at the University of Kansas on December 12 and 13. Those present were Morris B. Lambie, Minnesota; Morton L. Wallerstein, Virginia; Bates K. Lucas, Michigan; A. D. McLarty, Illinois; Frank G. Bates, Indiana; Frank G. Pierce, Iowa; Don W. Sowers, Colorado; Harry A. Barth, Oklahoma; R. D. Jackson, Texas; and John

G. Stutz, Harvey Walker, James W. Kensett and Chester K. Shore, Kansas. The sessions were devoted principally to round tables. The subjects discussed included: information service for city officials; field service; research; securing good state municipal legislation; organization and activities of the membership; official organ; and municipal library methods. Prof. F. H. Guild contributed a talk on public personnel training. At the close of the session a permanent organization was formed, with Mr. Lambie as president, Mr. Wallerstein, vice-president and Mr. Stutz, executive secretary. The secretariat was established at Lawrence.

FOREIGN GOVERNMENTS AND POLITICS

EDITED BY FREDERIC A. OGG

University of Wisconsin

Central and Eastern Europe in 1924. A study of the political events of 1924 in Central and Eastern Europe reveals such a variety of topics lending themselves to extensive treatment that for convenience of treatment, the material has been grouped under the four main heads of (1) financial reconstruction, (2) constitutional, legislative, and administrative developments, (3) parties and politics, and (4) foreign relations.

FINANCIAL RECONSTRUCTION

An outstanding factor, involving changes both constitutional and political, has been the process of financial reconstruction in most of the states under consideration. The painful return from an inflated paper currency to the gold standard has occupied the forefront of the political stage in three of the former enemy states, and in many of the minor allied states.

Of the former enemy states Austria was the first to begin her financial recovery under the protocols of Geneva of 1922, negotiated under the auspices of the League of Nations and backed up by laws conferring extraordinary powers on the government, to last until the end of 1924. Despite the economic restraints which the financial program has involved, no modification of these laws occurred in 1924, but their continuance until 1926 will probably be found necessary to complete the reconstruction program. Meanwhile, Austria introduced the new *schilling* in June, replacing the old Austrian *krone*.¹

In Hungary, reconstruction was likewise undertaken by the League of Nations under the terms of the London protocols of January 16, 1924 and those of Geneva of March 14, 1924,² supplemented by the Enabling Act passed by the Hungarian National Assembly on April 17, 1924.³ Though the controls established were similar to those for

¹ *Bulletin Périodique de la Presse Autrichienne*, No. 154, June 28, 1924.

² *League of Nations Official Journal*, Fifth Year, pp. 424-429; 802-807.

³ *Gazette de Prague*, April 24, 1924, p. 2.

Austria, the loans and guarantees involved were different in nature, and more adapted to an agricultural country like Hungary. Thus far, the Hungarian government has not issued any new metallic units to replace the *krone*.

In Germany the international controls set up under the terms of the Dawes report and the London protocols of August 16, 1924⁴ were put into force by various laws of August 30, 1924. These provided for the liquidation of the Rentenbank, the private notebank, and for the organization of the new Gold Bank, while two others, the so-called "Munzgesetz" and the law pledging the industries of the Reich as a guarantee of reparations deliveries, completed the legislative program.⁵

Poland's heroic endeavor at financial reconstruction represents primarily the work of Premier Ladislas Grabski, based upon a program elaborated by Mr. Hilton Young, a financial adviser to the British Treasury,⁶ supplemented by a large private loan from Italy, in return for which the revenues from the tobacco monopoly were pledged.⁷ Under this program Poland stopped her printing presses in February and introduced the gold *zloty* on July 1, 1924.⁸

Rumania, beset by difficulties arising from the necessity of withdrawing Austro-Hungarian *kronen* from circulation in Transylvania and paper rubles in Bessarabia, and supplanting them with *lei*, has managed, by dint of vigorous taxation, to balance her budget for the past three years. In 1924 the consolidating of the Rumanian foreign debt under an Italian consortium facilitated her progress toward financial recovery.⁹

Jugoslavia, with the financial advice of Senator Henri Berenger of France and under the able administration of Finance Minister Stoyadinović, has more than balanced the budget, stabilized the *dinar* with marked success, funded several of her foreign debts and "methodically pursued the sanitation of its finances according to a clearly outlined plan."¹⁰ Cabinet changes have in no wise altered this policy, which is now again in the hands of Stoyadinović.¹¹

⁴ *British Sessional Paper, Misc. No. 17 (1924) Cmd. 2270*, pp. 322-324.

⁵ *Berliner Tageblatt*, August 30, 1924.

⁶ *Bulletin Périodique de la Presse Polonaise*, No. 137, November 1, 1923.

⁷ *Ibid.*, No. 142, April 17, 1924.

⁸ *Central European Observer*, July 12, 1924, p. 1. A detailed account of the financial reforms of Grabski is found in the *Gazette de Prague*, August 13, 1924, p. 3.

⁹ *Gazette de Prague*, July 26, 1924, p. 2.

¹⁰ *Ibid.*, May 21, 1924, p. 2.

¹¹ *The Near East Magazine*, Volume XXVI, p. 496, November 20, 1924.

The financial reforms initiated in 1919 in Czechoslovakia by Dr. Alois Rašín prevented, *ab initio*, any policy of inflation. The continuation of that policy by his successors has made the Czech crown virtually the most stable monetary unit in Europe.¹²

Of the Baltic States, Finland without question has the soundest finances and has for several years had a balanced budget. During 1924 Finland was particularly successful in funding various of its foreign debts.¹³ Esthonia, on the other hand, has been in dire financial straits due to the deliberate machinations of Soviet Russia in attempting to undermine the economic structure of the country by routing transit traffic around Esthonia either by land or sea.¹⁴ The praiseworthy efforts of Finance Minister Strandman to introduce the gold *thaler*, equivalent to the Scandinavian *krone*, in lieu of the *Eestimark*, and to found the Bank of Esthonia as the sole bank of issue, with the assistance of a Swedish loan, have therefore encountered unexpected obstacles, as the diversion of traffic has greatly reduced revenue, and efforts to increase customs duties by 50 per cent have only further alienated commerce.¹⁵ This has hindered the long contemplated customs union with Latvia and Lithuania. Latvia, having introduced the gold *lat* standard in January, 1924, and started the issue of silver *lats* in June, under a financial reconstruction program much akin to that of Esthonia, finds her issues well covered by gold and her budget fairly on the way to normalcy.¹⁶ Lithuania introduced the *litas*, based on a gold backing, in October, 1922, and has managed to keep it at par up to date. Despite many difficulties in this period of transition, the Lithuanian Bank of Issue has operated successfully, and Lithuania will have a balanced budget in 1925.¹⁷

Even Soviet Russia, despite its communist economics, has found it imperative to replace the virtually valueless paper ruble by the gold *chervonetz*. The exclusive issue of this new unit by the State Bank, the withdrawal of minor treasury notes (effected by January 1, 1925), the stopping of the printing presses, and the redemption of the old

¹² Cf. Rašín, Alois, *Les Finances de la Tchécoslovaquie jusqu'à la fin de 1921*.

¹³ Cf. Kalliala, K. J., "Finnish State Finances," *Monthly Bulletin of the Bank of Finland*, June, 1924, pp. 21-28.

¹⁴ *Central European Observer*, May 17, 1924, p. 1.

¹⁵ *Ibid.*, June 7, 28, 1924; *The Economic Review*, Vol. X, pp. 48-9, July 18, 1924.

¹⁶ *Central European Observer*, June 1, 7, 1924; *The Latvian Economist*, Nos. 7-9, (1924) p. 101.

¹⁷ Bulletins of the Lithuanian "Elta" Agency Service, Nos. 53, 55, October, November, 1924.

paper rubles at the rate of 500,000,000,000 to the new *chervonetz*, indicate the essential similarity of financial sanitation measures in "communist" and "capitalist" countries.¹⁸

Due to the intimate relation of financial reconstruction to reparations collections and deliveries, the restoration of the fiscal standards of the former enemy states has taken place, as indicated above, under international auspices and control. Among the lesser allied states financial sanitation has not involved external control, though it has necessitated some measure of assistance in the shape of loans from abroad. The return to the gold basis, the exchange of depreciated currency for the new monetary units, soundly established and covered, the creation of private banks of issue under stringent legal regulations, have demanded special legislative enactments of a constitutional or exceptional character, investing the respective governments with full powers for the whole period of rehabilitation. Such laws were passed in 1924 in Esthonia,¹⁹ Germany, Hungary and Poland, and tended effectively to remove their finances from the maelstrom of parliamentary strife.

Germany's legislation comprises the law of December 8, 1923, giving the Marx cabinet full powers till February 15, 1924, during which time the initial stages of reconstruction were considered by the Dawes commission. The laws putting in force the London protocols date from August 30, 1924. One placing the railroads of the Reich under international control modified Articles 89-90 of the Weimar Constitution in principle, but not textually, and required a two-thirds majority for its passage.²⁰

In Hungary, under the terms of Law No. IV of 1924, the National Assembly was prohibited from considering any bills or projects contrary to the scope and provisions of the statute in question. This law will remain in force "until the Council of the League of Nations will have declared that Hungary's budget has been balanced." The law, according to an official commentary, "is completed by a number of supplementary provisions of an interpretative nature attached to it, as well

¹⁸ For a succinct review of the financial policy of the Soviet government, based on official documents and decrees, cf. Kohn, Stanislas, "Les Finances Publiques et la Reforme Monétaire en Russie," *Gazette de Prague*, May 21, 1924.

¹⁹ The Esthonian law, passed in June, 1924, authorized the dismissal of state employees and the consolidation of administrative departments in the interests of economy. *Central European Observer*, June 1, 28, 1924.

²⁰ *Berliner Tageblatt*, August 30, 1924, and *Bulletin Périodique de la Presse Allemande*, No. 308, September 3, 1924, p. 9.

as by a number of ministerial decrees issued in virtue of the powers accorded to the Government by the law."²¹

Two "full powers" laws have been enacted in Poland, one of January 5, and the other of June 17, 1924. Strictly speaking, the first may not properly be called a "full powers" act, although it was such in substance; but, as doubts as to the constitutionality of a law of plenary powers were entertained, Grabski summoned a council of jurists to determine whether such authority could be delegated to the president without violating the constitution. On the advice of the council, the law was changed to one "On the Reform of the Public Treasury and the Currency." By June, all constitutional meticulousness was brushed aside, and the second law, authorizing extensive administrative reforms in the eastern provinces as well as financial remedies, went far beyond mere "renewal," and was in reality a distinctly new and virtually unlimited grant of authority to last until December 31, 1924.²²

Thus it may be seen that under dire economic pressure, financial reform has necessitated an overlooking of constitutional niceties and demanded an unhampered administrative control.

CONSTITUTIONAL, LEGISLATIVE AND ADMINISTRATIVE DEVELOPMENTS

Apart from such measures involving the temporary suspension of constitutional controls and necessitated by financial reconstruction, constitutional changes have not taken place. There have been none of the formal textual type. This has been due on the one hand to a lack of sufficient experience under existing constitutions to warrant change—although proposals for amendment, touching mainly local administration or abuses in the electoral system, have not been wanting in Czechoslovakia,²³ Germany,²⁴ Jugoslavia,²⁵ Poland²⁶ and Rumania²⁷—and on

²¹ Memorandum from the Hungarian Legation, November 24, 1924, pp. 2-3.

²² *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924, and No. 145, August 9, 1924, p. 10.

²³ For the proposal to limit the application of proportional representation to eliminate parties polling less than 2% of the total national vote cf. *Gazette de Prague*, June 18, 1924, p. 1.

²⁴ On January 8, 1924, the Bavarian Government transmitted to the Reich Government a long memorandum demanding changes which would have involved a return to the Bismarckian federalism of 1871. *Bulletin Périodique de la Presse Allemande*, No. 298, January 19, 1924, p. 6. For a German critique of the Bavarian memorandum cf. Kraus, Herbert, *Germany in Transition*, pp. 212-223.

²⁵ The "revisionist" program of the Jugoslav Democratic Party, proposed by Marinković looks to mere decentralization (*Bulletin Périodique de la Presse*

the other to the fact that the parliaments have been busy with legislation to carry out constitutional provisions or promises. This "constitutional" legislation has embraced statutes relating to the safeguarding of minorities,²⁸ laws on agrarian reform,²⁹ press laws,³⁰ laws and

Yugoslave, No. 49, February 16, 1924, pp. 8-9); more radical is the autonomy program of the Slovene People's Party, sponsored by Abbé Ante Korošec (*Ibid.*, No. 50, April 5, 1924, p. 8). On the advent of the Davidović cabinet in August, 1924, Petrović, the Minister of the Interior, indicated that proposals looking to the realization of the revisionist program would be undertaken. The overthrow of Davidović prevented the carrying out of this project. *Gazette de Prague*, August 13, 1924, p. 1.

²⁶ The "Piast" party, led by former premier Vincent Witos, demands a return to *scrutin d'arrondissement*, without much consideration for the representation of national minorities required by treaty. The reduction of the size of the Sejm, which now has 444 members, and the strengthening of presidential authority are also favored. *Central European Observer*, January 26, 1924; *Bulletin Périodique de la Presse Polonaise*, No. 140, February 8, 1924. An "Inquiry on the Constitution of March 17, 1921," published by a group of experts, also favors the strengthening of presidential authority over both the Senate and the Sejm. *Ibid.*, No. 142, April 17, 1924.

²⁷ The program of the newly created National Peasant Party in Rumania pledges it to "propagate the principles of a decentralization of administration and local autonomy within the framework of the political unity of the State as a whole." *Central European Observer*, June 21, 1924, p. 1. As the present Rumanian parliament is acting as a constituent assembly, any legislation along these lines must be earmarked as constitutional in character. *The Near East*, Vol. XXVI, p. 501. November 13, 1924.

²⁸ Czechoslovakia had been occupied with the drafting of a constitution for Sub-Carpathian Ruthenia, along with minor administrative reforms and the enforcement of a far-reaching educational program. *Central European Observer*, July 26, 1924, p. 1. In Hungary legislation for minorities rested until 1924 on various decrees, principally that of June 23, 1923, now amplified by a law of February 28, 1924. *Gazette de Prague*, March 1, 1924, p. 2. In Poland a law of July 9, 1924, guaranteed the equality of minority languages (Ukrainian, White Russian and Lithuanian) with Polish, for purposes of communication, judicial process and education. German minorities were to be cared for by a later law. No provision was made for teaching either Russian or Yiddish. *Gazette de Prague*, July 16, 1924, p. 2. In Rumania a bill for the education of linguistic minorities was laid before parliament at its fall session. *Central European Observer*, November 1, 1924, p. 1.

²⁹ One of the chief promises of the short-lived revolutionary government of Bishop Fan Noli in Albania was to give the lands of the begs to the peasants without much legal formality. *Neues Wiener Tagblatt*, June 11, 1924; *Gazette de Prague*, July 5, 1924, p. 1. In 1924, the Czechoslovak agrarian laws were extended to Ruthenia. *Gazette de Prague*, April 16, 1924, p. 2. An excellent survey of the work of the Czechoslovak land office is given in the *Central European Observer*,

ordinances regarding the reduction of armies,³¹ decrees on amnesty,³² laws on local government³³ and social insurance,³⁴ as well as enactments permitting the consolidation of governmental officers during financial reform. In addition to these may be mentioned the various administrative reforms required for the execution of the foregoing measures

October 18, 1924, p. 2. See also Pavel, Antonin, "Land Reform," in Grüber, Josef, *Czechoslovakia: A Survey of Economic and Social Conditions*, pp. 43-66. In Finland the fundamental agrarian reform law, the Lex Kallio, has been only partly enforced, and the main bill for its execution is still pending. *Memorandum* from the Finnish Legation, December 4, 1924, p. 4. In Hungary a bill to further the enforcement of Law No. XLV of 1921 was passed at the beginning of 1924. The full powers bill, however, pledged the revenues from lands acquired by the State under previous laws to the satisfaction of financial claims, while exempting large landowners from taxation. *Bulletin Périodique de la Presse Hongroise*, No. 78, January 12, 1924; *Central European Observer*, October 18, 25, 1924. Charges that Baron Koranyi, the minister of finance, impeded the progress of land reform were freely made before his resignation. In Poland, as soon as financial reconstruction was well under way, Premier Grabski decided to apply the agrarian reform laws, theretofore dead letters, in the eastern provinces, in an effort to ameliorate the peasantry's condition and alleviate dissatisfaction. *Gazette de Prague*, May 20, September 13, October 25, 1924.

³⁰ Czechoslovakia: Withdrawing slander and defamation suits from juries. *Gazette de Prague*, May 31, 1924, p. 1; Hungary: distinctly reactionary in character, *Central European Observer*, May 24, 1924, p. 1; Jugoslavia: The Davidović ministry, on its advent, promised a more liberal press law, which it was unable to enact, *Bulletin Périodique de la Presse Yougoslave*, No. 53, October 2, 1924, p. 2; Rumania: A press law was laid before parliament at its fall session, *The Near East*, Vol. XXVI, p. 501, November 13, 1924.

³¹ Czechoslovakia: Reducing the army to 90,000 men. *Central European Observer*, June 7, 1924, p. 2; Poland: Reducing the army budget 45%, cutting down the officer personnel by 2000 and the noncommissioned officers by 8000. *Ibid.*, June 28, August 5, 1924. Russia: for statement by Trotsky on reductions made in the Red Army in 1924 cf. *Ibid.*, July 12, 1924.

³² Bulgaria: Amnesty to Communists and Liberals (followers of Radoslavoff), July 17, 1924. *La Bulgarie*, Vol. I., No. 317, p. 3, c. 2, July 17, 1924. Hungary: Karolyist-Communist amnesty decree, May 7, 1924 *Bulletin Périodique de la Presse Hongroise*, No. 82, June 26, 1924, Carlist amnesty decree, July 21, 1924. *Ibid.*, No. 83, August 14, 1924.

³³ Latvia: The law of June 26, 1924, redivided the country into administrative districts. *Current History*, Vol. XX, p. 1041. In Poland a law on reorganization of the eastern voivodships was pending in the Sejm in October. *Gazette de Prague*, October 25, 1924, p. 2.

³⁴ A far-reaching social insurance act was passed in Czechoslovakia. For a full discussion of its import cf. *Gazette de Prague*, September 20, 1924, p. 2, and the *Central European Observer*, September 13 and October 11, 1924.

or to remedy the results of over-centralization, particularly in Jugoslavia³⁵ and Rumania.³⁶

The process of turning over local administration in the various "regions" or "republics" to the native inhabitants was systematically continued by the Soviet Government in 1924.³⁷ This involved the creation of various new units and the dissolution of old ones. To choose among many examples, the Zyrians were regrouped with the Permiaks,³⁸ the boundaries of White Russia were considerably altered,³⁹ the republic of the Gortsi was dissolved,⁴⁰ and the autonomous region of Tchetchnia was created.⁴¹ Bokhara and Turkestan were dismembered⁴² and various Central Asian republics created,⁴³ while last of all, in an endeavor to regain Bessarabia, an adjoining Moldavian Republic was brought into being.⁴⁴ "The life of the Soviet Republics," writes a French critic, "develops by following a frankly national orientation. In the linguistic and political domains a feverish activity is manifest. At the same time a more and more marked sovietization of the national organisms is pursued. This double movement, so different at first sight, is no obstacle to the incessant modifications of territory as between republics."⁴⁵

To cope with this important administrative problem, the Central Executive Committee of the Union of Socialist Soviet Republics created a special section on nationalities, to replace the Commissariat of

³⁵ This involved a general shifting of the *župans* (prefects) and of diplomatic representatives abroad. *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924, p. 3.

³⁶ Law on the Reorganization of the magistracies. *Gazette de Prague*, June 25, 1924, p. 2.

³⁷ For the devolution of the administrative services in the Ukraine see *Pravda*, December 2, 1923, June 26, July 12, 1924; for Turkestan, *Izvestia*, January 12, 1924; for Daghestan, *Pravda*, January 16, 1924; among the Tartars, *Bulletin Périodique de la Presse Russe*, No. 134, p. 10; among the Yezidis, *Izvestia*, June 14, 1924; among the Poles, *Pravda*, July 15, 1924; among the Bashkirs, *Izvestia*, November 1, 1924; among the Carelians, *Pravda*, October 8, 15, and 24, 1924; among the Yakuts and in the Arctic regions, *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924.

³⁸ *Izvestia*, June 27, 1924.

³⁹ *Pravda*, February 2, 1924.

⁴⁰ *Izvestia*, August 8, 1924.

⁴¹ *Ibid.*, August 5, 1924.

⁴² *Ibid.*, August 26, 1924; *Pravda*, September 24, 1924.

⁴³ *The Near East*, Vol. XXVI, p. 316, September 25, 1924.

⁴⁴ *Izvestia*, October 14, 1924, and *Pravda*, October 18, 1924, which give the constitutions of the Moldavian Republic.

⁴⁵ *Bulletin Périodique de la Presse Russe*, No. 137, November 22, 1924, p. 16.

Nationalities which existed under the older Soviet regime.⁴⁵ In thus reorganizing internal administration by an unflinching acceptance of the principle of nationality, the Soviet Government has done much to disarm counter-revolutionary tendencies. The incompatibility of its doctrines of anti-national proletarian revolution with its practice of capitulation to resurgent minor nationalities is too obvious to require comment.

Outstanding, and different from legislation in other states, have been the important laws passed by the Rumanian parliament to give effect to the policy of placing in the hands of the national government the control of the sub-soil and its products.⁴⁷ In this connection, as well as in regard to agrarian reform, Rumania, beset by a landless peasantry on the one hand and overawed by foreign oil interests on the other, has followed Mexican models in attempting to safeguard her natural resources and her agricultural future.

PARTIES AND POLITICS

Turning from legislative and administrative questions to those of domestic politics, the broad field may be divided for purposes of scientific classification into the three topics of elections, cabinet changes, and party movements, as respectively influenced by issues of local, national, or international interest.

National elections took place in 1924 only in Germany and Finland, though in each presidential elections have been held in 1925.⁴⁸ Albania was the lone country to undergo revolution and counter-revolution. Thus the majority of the parliaments involved did not resort to a popular consultation but kept to the routine ways of constitutional govern-

⁴⁵ A full account of the new Nationalities Section and its work is given in *Izvestia*, October 5, 1924.

⁴⁷ For full discussions of this legislation cf. *Gazette de Prague*, June 25, 28; July 9, 12, 26, 1924.

⁴⁸ The German presidential election was precipitated by the sudden death of President Ebert on February 28, 1925. The polling of March 29, having failed to elect a candidate, the second elections on April 26 resulted in the choice of Marshal Von Hindenberg as the new president. In Finland the electoral colleges, chosen January 15 and 16, 1925, met on February 15 to select a new chief executive. Their choice fell upon Dr. L. K. Relander, governor of the province of Viborg and a prominent leader in the Agrarian party, who assumed office March 1, 1925. *Memoranda from the Finnish Legation*, December 4, 1924 and February 18, 1925.

ment. Yugoslavia was the sole country where a parliamentary campaign was in progress at the end of the year.⁴⁹

The Finnish elections, fought on the issue of amnesty to communists, over which parties were deadlocked in the Riksdag, were held on April 1 and 2, and resulted in the reduction of the Communist party by a third, and a slight gain by the parties on the Right, while revealing a marked tendency of the extreme socialists away from Communism and back to the fold of hardheaded constitutional socialism. "This would seem to indicate," says an official statement, "that the teachings of Bolshevism are losing more and more disciples in Finland."⁵⁰

Germany in 1924 underwent two elections. In those of May⁵¹ the extreme resentment of all classes of the population against the occupation of the Ruhr was balanced against the counsels of moderation from the middle-of-the-road parties, which urged the acceptance of the Dawes Report as the only way out of Germany's economic dilemma, while they stood for the maintenance of the republic as the sole guarantee of liberal constitutional development. Though large gains were made by the extremists, Communist and Monarchist—especially by the adherents of Ludendorff and Hitler—at the expense of the Socialist-Clerical-Democratic-People's Party coalition, the latter still controlled a majority and, under the reconstructed Marx cabinet, secured the acceptance of the Dawes Report after bargainings with the more moderate nationalists.

Once the report had been accepted, the extremists of both Right and Left were destined to reverses. The failure of negotiations for the constitution of the *Bürgerbloc*, projected by Stresemann, led to a second dissolution on October 20, and to the elections of December 7.⁵² These clearly indicated, by the party changes produced, the defeat of both

⁴⁹ The Skupshtina was dissolved on November 8, 1924, new elections being set for February 8, 1925, and legal maximum of 90 days being permitted to elapse between dissolution and election. *The Near East*, Vol. XXVI, p. 527; November, 27, 1924.

⁵⁰ *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33.

⁵¹ For the official results see *Bulletin Périodique de la Presse Allemande*, No. 304, May 20, 1924, pp. 10-11, which cites various dailies. Cf. also, Shepard, W. J., "The German Elections," in *American Political Science Review*, August, 1924, Vol. 18, p. 531.

⁵² The results of the December elections are shown on page 367.

Right and Left extremism and a new return to the middle of the road. The defeat alike of the Communists and of the "Völkisch," the Ludendorff-Hitlerite combination, which was so severely chastened in Bavaria and other royalist centers, is the best proof of the stability of republican institutions and the permanence of the present fundamental law. The subsequent resignation of Marx on December 11, 1924, due to his refusal to accept monarchists in a reconstructed cabinet, opened the way for the formation of a cabinet of moderates of all opinions, thereby permitting the Nationalists to enter the Luther cabinet. The admission of conservative talent into the German government should prove of value in a period of economic rehabilitation, so long as there is no disposition to tamper with the fundamental principles of the Weimar constitution.

The Albanian revolution, engineered by Bishop Fan Noli and the liberal elements of the country, overthrew the feudal Moslem government of Ahmed Zogu Bey and the landed magnates in June, 1924.⁵³ The new government made an honest effort to disarm the population, introduce long-needed agrarian reforms, undertake extensive public works, and begin a thoroughgoing financial reconstruction of the country with the assistance of the League of Nations. Due to Italy's insistence on the strict neutrality of Yugoslavia under the terms of the Italo-Yugoslav Alliance, the revolution was quickly successful. In December, however, the Moslem emigrés, supported by remnants of the White Army of Baron Wrangel, returned to Albania with the tacit acquiescence, if not the open support of Yugoslavia, and reestablished the reactionary regime of Ahmed Zogu. Needless to say, the counter-revolution frustrated the execution of the liberal program.⁵⁴

Accompanying the foregoing elections and the lone revolution and counter-revolution, cabinet changes took place in Finland, Germany and Albania. In Finland the Kallio Cabinet (Socialist-Progressive-Agrarian) resigned on January 18, 1924 and was succeeded by a ministry of experts headed by Professor A. K. Cajander, which conducted the administration till the meeting of the new Riksdag. On June 1 a Nationalist-Svecoman-Progressive-Agrarian cabinet was formed by Professor L. Ingman, from which the Socialists were excluded. On November 20, following the enactment of a pension bill opposed by the Agrarians, the Agrarian ministers retired, and their places were filled

⁵³ *London Times*, June 7, 1924, p. 11, c. 5; June 14, 1924, p. 10, c. 5. For a valuable account of the background of the revolution cf. Mousset, Albert, "L'Afrique Albanaise vue de Belgrade," *Gazette de Prague*, June 18, 1924, p. 1.

⁵⁴ *New York Times*, December 22, 1924, February 1, 1925.

by men from the other parties in the coalition.⁵⁵ This rendered the existence of the Ingman ministry precarious, as the Socialists and Agrarians control more than half the Riksdag.

In Germany the first Marx cabinet entered office on December 4, 1923, with the support of the Social Democrats, the Democrats, the Center and the People's Party and weathered the period up to the May elections unchanged. In view of the altered composition of the new Reichstag, Marx recast his cabinet, omitting the Social Democrats but relying on their support for various measures. As indicated above, the results of the December elections effectively precluded Marx from continuing in office,⁵⁶ as no ministerial combination could be formed to oppose the Nationalists.

Of the other countries in Central and Eastern Europe, Poland, Hungary, Czechoslovakia, Rumania and Bulgaria weathered the year without any cabinet changes, while peaceful transfers of administration occurred in Austria, Yugoslavia, Lithuania, Latvia and Esthonia.

In Austria the Seipel cabinet, supported by the Christian Socialists and the German Nationalists, resigned during the railway strike early in November. Though requested by President Hainisch to retain office, Seipel again resigned on November 12⁵⁷ after the successful settlement of the strike, and was succeeded by Dr. Rudolph Ramek, with Dr. Alexander Mataja at the Foreign Office. Cumulative discontent within the Christian Socialist party over high national taxation, which conflicts with its federalist program of leaving many financial matters in the hands of the *Länder*, added to the unwise intrusion of the question of religious education which Seipel had raised in acute fashion was a dominant factor in paving the way for the change. No alteration of either financial or foreign policy has ensued.⁵⁸

The year 1924 was marked in Yugoslavia by the two reconstructions⁵⁹ of the Pašić ministry, the entry into power of the Davidović cabinet representing the Revisionist bloc of members of the Croatian Peasant Party, the Yugoslav Democrats, the Slovene People's Party and the Bosnian Moslems, and its unexpected overthrow by the Fabian tactics

⁵⁵ *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33; June, 1924, p. 29; *Memorandum* from the Finnish Legation, December 4, 1924, pp. 1-2.

⁵⁶ *New York Times*, December 12, 1924, citing *Germania*, December 11, 1924.

⁵⁷ *New York Times*, November 9, 14, 1924.

⁵⁸ *Bulletin Périodique de la Presse Autrichienne*, No. 137, citing the *Arbeiter-Zeitung* of October 20, 22, 1924, and the *Neue Freie Presse* of October 19, 1924.

⁵⁹ March 24 and April 12, 1924.

of Pašić after an existence of less than two months.⁶⁰ Thus the political cycle has swung clear around in Yugoslavia, and the country finished the year with almost the same political combination that was in power at its beginning. Unfortunately, the personal intervention of King Alexander in the last crisis and the return of the Pašić-Pribićević ministry to power⁶¹ augurs ill for any prospect of settlement between Serbs and Croats.⁶²

In Lithuania the cabinet of Ernest Galvanauskas resigned at the end of May after the rejection of a government bill granting further credits for railway construction. It was succeeded in June by that of Antanas Tumenas, with Woldemaras Charnekis, formerly charge d'affaires at Washington, at the foreign office.⁶³ The new government is backed by the Christian Democrats, the Farmers' Union and the Federation of Labor in the Seimas.⁶⁴

In Latvia the Meierovics cabinet, supported by the Agrarians, Democrats and Minimal Socialists, resigned in January, and was succeeded by that of Zamuels, based on the Democratic Center and nonpartizan elements in the Saeima, and relying on the good will of the Democratic bloc, the Social Democrats and national minority groups for legislative support. The Zamuels cabinet lasted until December, when it resigned in order to permit the reconstruction of the existing coalition by the addition of other groups previously neutral or hostile.⁶⁵

A ministerial crisis arose early in the year in Esthonia, the members of the Labor Party in the Paets cabinet—a coalition of Agrarians, Christian Democrats and Laborites—having resigned due to differences with their colleagues over financial policy. In consequence Dr. Friedrich Akel, minister of foreign affairs in the outgoing cabinet, formed a ministry on March 26, with the support of the Democratic bloc, the New Settlers, the Labor Party and the Russian bloc. The Akel cabinet lasted till December with the Agrarians and Communists alone in opposition and the Social Democrats neutral.⁶⁶ Following the Com-

⁶⁰ From July 27 to October 15, 1924. Cf. *Gazette de Prague*, March 26, April 16, August 2, 1924.

⁶¹ This was a coalition of Radicals, Old Serbian Moslems and Dissident Democrats, like the April cabinet. It took office October 20.

⁶² Cf. *Central European Observer*, October 25, 1924, and *The Near East*, Vol. XXVI, pp. 417, 495, October 23, November 13, 1924.

⁶³ *Central European Observer*, June 28, 1924, p. 1.

⁶⁴ *Memorandum 5266* from the Lithuanian Legation, December 12, 1924, p. 1.

⁶⁵ *Memorandum 9529* from the Latvian Consulate, December 10, 1924, p. 1.

⁶⁶ *Central European Observer*, April 5, 1924, p. 2.

munist revolt at Reval on December 1, the Akel cabinet resigned to make way for a new government headed by Jüri Jaakson, a National Democrat. The general feeling was that a government based on a broad coalition comprising a clear majority of the State Assembly could best give expression to the feeling of national unity which swept the country in the wake of the revolt. The Jaakson cabinet brought the Agrarians and Social Democrats into the former coalition.⁶⁷

In Soviet Russia the selection of Rykov as the constitutional successor to Lenin may be regarded as having marked a temporary reversion from the New Economic Policy back toward the unsullied communism of 1917-1920.⁶⁸

Of the changes above recorded, only those in Yugoslavia have betokened important deviations from previously accepted national policies on matters not related to financial reconstruction, on which, as already noted, far-reaching departures from previous policies of inflation have been brought about. In Yugoslavia, the advent to power of the short-lived Davidović cabinet on July 27, 1924 marked a clear break with the Greater Serbian centralization program of Pašić, and a real step, now completely reversed by the latter's return to and perpetuation in power, toward a harmonization of the political aims of Serbs, Croats and Slovenes.

Political oscillations, arising from the aftermath of war, of victory or defeat, of exultation or enervation, from political reorientation and the actual realization of national self-government, have continued to reveal the trend of public opinion in its organized forms. An evaluation of the direction in which such oscillations tended in 1924 may be arrived at by an analysis of the condition of the parties, from Right to Left, in the various countries under observation. For convenience, Monarchist, Clerical, Agrarian, and Communist groups are here considered.

Barring the Russian emigrés,⁶⁹ whose political manoeuvres abroad

⁶⁷ *Memorandum* from the Estonian Legation, December 18, 1924, pp. 1, 9; *New York Times*, December 17, 1924.

⁶⁸ Regarding the efforts of the Commissariat for Internal Trade to renew its former monopoly on private trade, see *Central European Observer*, May 17, 1924. For a statement of the opposition to this move sponsored by Trotsky and Preobrazhenski at the 13th Communist Congress cf. *Central European Observer*, June 7, 1924.

⁶⁹ Typical of Russian emigré activities was the founding at Paris, on December 11, 1924, of the Russian Nationalist Committee backing Grand Duke Nicholas for a restored but "constitutional" monarchy. Cf. *New York Times*, December 12, 1924, p. 23, c. 3. The efforts of "Czar" (Grand Duke) Cyril to summon a Crown Council in Paris are reviewed in the *New York Times* of November 14, 1924, citing the *Possledny Novosti*, Miliukov's Paris paper.

have been without direct influence on the Soviet Government, important monarchist groups exist only in Austria, Hungary, and Germany. In Austria, the *Oesterreichische Staatspartei* and its newly founded compeer, the *Conservative People's Party*, claim appreciable gains, but not sufficient to make them in reality serious factors in national politics.⁷⁰ In Hungary, "monarchist" agitators continue to be divided between the supporters of a "national" and those of a "legitimist" monarchy, the latter, since the Dethronement Act of November 4, 1921, having been reduced to a politically impotent but socially influential minority. The only important monarchist event of the past year has been the formation by Deputy Eckhardt, a son-in-law of Regent Horthy, of a new legitimist group, the *Hungarian Independent National Party*, which, however, has not as yet materially influenced the policy of the Bethlen Government.⁷¹ In Germany militant monarchism of the Ludendorff-Hitler variety is definitely on the wane, as may be instanced by a comparison of the May and December election figures, the ultra-Ludendorffians having been virtually wiped out in the last elections. The net gains of the avowedly monarchist Nationalists in the December elections have in no way imperilled the republican regime, and the participation of the Nationalists in the Luther ministry indicates no abandonment of republican institutions.⁷²

In direct contrast to the activity of monarchists in republican countries may be noted the painful position of republican parties in countries constitutionally monarchical. In Hungary the Defence of the Realm Act has been repeatedly invoked against republican demonstrations, while the republican press and republican deputies are continually dragooned.⁷³ Scarcely more happy has been the lot of the Croatian

⁷⁰ The claims of the *Staatspartei* are reviewed in the *Gazette de Prague* March 1, 1924, p. 1, citing *Oesterreichische Nachrichten* of February 11, 1924. The Conservative People's Party was founded October 25, 1924. Cf. *Gazette de Prague*, October 30, 1924, p. 1.

⁷¹ The Programme of the new party is a mixture of feudalism, clericalism, anti-Semitism, and . . . the party stands for frustrating the execution of the peace treaties." *Central European Observer*, November 1, 1924, p. 1.

⁷² Cf. the statement of Chancellor Luther to the Reichstag on January 19, 1925, that the Constitution of the German Republic was the foundation upon which his government would rest. "Every violent illegal blow at that constitution," he added, "will be met as high treason." Cf. *New York Times*, January 20, 1925, p. 1, c. 3.

⁷³ Cf. the reply of Minister of the Interior Rakovszky to deputy Ruppert on May 3, 1924, that "in virtue of a law of 1920 Hungary was a monarchy and that by Article 31 of the law of 1923 (Defence of the Realm Act) every act contrary to

Peasant Party in Yugoslavia, whose leader, Radić, has been accused of treason for holding republican views.⁷⁴

The rôle played by the Clerical parties in the different countries has not altered sufficiently to differentiate 1924 from the preceding years. Apart from Germany and Austria, where they have been the chief factors in pushing through financial reconstruction plans and aiding in the maintenance of republican institutions, the parties with an ecclesiastical orientation have been primarily assiduous in bringing about the negotiations for concordats⁷⁵ with either the Orthodox or Catholic hierarchy or both. The tendency of clerical parties, particularly in Slovenia, Croatia, Slovakia and the Alpine provinces of Austria and Bavaria, to favor a wide degree of cultural autonomy, amounting almost to separatism, appears to reassert itself from time to time without, however, creating any appreciable complications in national or international life.

Playing a minor rôle in industrialized states, but growing in importance in predominantly agricultural areas, the various agrarian parties have been outstanding factors in the furtherance of land reform,⁷⁶

the idea of royalty and favorable to republican ideas is considered a delict." *Gazette de Prague*, June 7, 1924, p. 2.

⁷⁴ As to Pašić's treatment of and attitude towards Radić, cf. *The Near East*, Vol. 26, p. 450, October 30, 1924. See also note 79 *infra*.

⁷⁵ The subject of concordats does not, properly speaking, come under international relations, and is therefore dealt with as a purely domestic problem. Bavaria signed a concordat with the Vatican on March 29, 1924 *Bulletin Périodique de la Presse Allemande*, No. 305, April 19, 1924, p. 1. Yugoslavia, under article 12 of the Vidovdan Constitution, which makes the negotiation of religious agreements compulsory for the Government, is planning a Catholic concordat *Gazette de Prague*, October 1, 1924, p. 2. Poland, because of her peculiar religious situation, has planned an Orthodox concordat (*Ibid.*, May 31, 1924, p. 2) and actually negotiated with the Vatican as well (*Ibid.*, October 1, 1924, p. 1) though the latter's conditions have proved hard to meet. Rumania's negotiations, opposed by the Orthodox clergy on the one hand (*Ibid.*, April 12, 1924) and by the Hungarian Roman Catholic prelates on the other (*Central European Observer*, June 14, 1924, p. 1), were finally postponed indefinitely (*Ibid.*, August 23, 1924, p. 1).

⁷⁶ On the work of the Agrarian Party in Czechoslovakia cf. *Bulletin Périodique de la Presse Tchecoslovaque*, No. 10, June 23, 1924, and the *Central European Observer*, October 18, 1924, p. 1. On the status of the Party of Small Landowners in Hungary cf. *Gazette de Prague*, October 30, 1924, p. 2. In Yugoslavia the Zemlyoradnici are a weak third party but work toward similar ends *The Near East*, Vol. 26, p. 527, November 20, 1924. Regarding the Union of Agriculturists in Latvia cf. *Memorandum 9529* from the Latvian Consulate, December 10, 1924. The Agrarians in Bulgaria have been hopelessly disorganized and persecuted since the death of Stamboulisky. *The Near East*, Vol. XXVI, p. 553. November, 27, 1924.

bitter opponents of high protective tariffs on manufactured goods,⁷⁷ but hard workers for the consolidation and reconstruction of their respective countries. Basically it is the agrarian parties in the new states that are the bulwarks of constitutional government.⁷⁸ Only in three regions, Bulgaria,⁷⁹ Croatia,⁸⁰ and Rumania,⁸¹ have the agrarian leaders dallied with communism, and even there the agrarian programs, as at present formulated, are hardly in harmony with the oppressive tactics which Moscow pursues toward the muzik.

The process of legal destruction and dissolution of communist parties continued in 1924. Poland, Finland, Hungary and Esthonia, having survived in each instance a Red Terror, have been unwilling to legitimize the activities of communists and have shown little clemency to those engaged in activities subversive of the state.⁸² In their wake, Bulgaria⁸³ and Rumania⁸⁴ have attempted legal dissolution, but the agents of the Third International in Moscow have not ceased their

⁷⁷ Cf. *Bulletin Périodique de la Presse Tchécoslovaque*, No. 11, September 23, 1924, on the conflict in Czechoslovakia, which is typical.

⁷⁸ Cf. *Ibid.*, No. 10, June 23, 1924, citing *Venkov*, May 17, 1924.

⁷⁹ This is true only of "the more rabid followers of the late Stamboulisky," (*Memorandum from the Bulgarian Legation*, December 6, 1924, p. 2) now largely émigrés in Jugoslavia.

⁸⁰ The visit of the Croatian Peasant Party leader, Radic, to Moscow, and his affiliation with the Agrarian International there (*Gazette de Prague*, June 14, 18, 1924) was by no means acceptable to all the rank and file of his following (*The Near East*, Vol. XXVI, p. 85, July 24, 1924) and elicited a scathing condemnation from Pasic. Cf. *Central European Observer*, August 23, 1924.

⁸¹ The Rumanian Peasant Party seems to have come under Muscovite influence and to have preached the class struggle in much the same way as do the Russian communists. The fusion with the National Party of Transylvania seems to indicate a return to ordinary "constitutional" tactics. Cf. *Gazette de Prague* June 18, 1924, p. 1.

⁸² Esthonia alone seems to have been clement to communism, the government believing it unwise to repress agitation and that free discussion and untrammelled public opinion could best handle the situation *Current History*, Vol. XX, p. 616. The futility of this means of action would appear obvious from the revolts of 1924. Cf. notes 85-88 *infra*.

⁸³ By a decision of the Bulgarian Court of Cassation on April 3, 1924, the Bulgarian Communist Party and all allied organizations were dissolved in virtue of the law relative to the protection of the State. Cf. *Gazette de Prague*, April 9, 1924, p. 2. An authoritative statement of the policy of vigilance pursued by the Zankoff Government is given in the *Memorandum from the Bulgarian Legation*, December 6, 1924, p. 2.

⁸⁴ The Rumanian Socialist and Communist parties were both dissolved in July. Cf. *Gazette de Prague*, August 2, 8, 1924.

activities in fomenting insurrection in Esthonia, border raids on Poland and Rumania, and sundry acts of violence elsewhere, in an effort by militant action to spread the communist gospel in the interests of aggrandized Sovietdom.

In Esthonia an uprising of communists was nipped in the bud on January 21, 1924.⁸⁵ Those implicated were convicted and sentenced to long terms in prison.⁸⁶ The "imported revolution" of December 1, 1924, in the suppression of which Minister Kark lost his life, was unquestionably directed from Russia. It is stated that the *Pravda* had announced the revolt beforehand and had issued an appeal to the Esthonian proletariat in that behalf. The uprising was completely suppressed and the leaders executed.⁸⁷ The electrifying effect of this revolt in uniting the nation against Bolshevism has already been noted.⁸⁸

Red Army raids across the western frontier of Soviet Russia were intermittent throughout the year. Among these the raids on Stolpce,⁸⁹ Vilna,⁹⁰ and other points of territory belonging to or occupied by Poland have been important. The creation of the Moldavian Republic⁹¹ just opposite Bessarabia after a series of raids into that portion of Rumania,⁹² marked a patent endeavor of Russia to settle the Bessarabian question by other methods than those of diplomacy.

In Russia itself, however, communism is on the defensive. The campaign of recruiting begun following the death of Lenin netted

⁸⁵ Cf. the statement of Minister Einbund to *Wada Maa* of Reval, in *Central European Observer*, March 1, 1924, p. 1.

⁸⁶ *New York Times*, November 28, December 2, 1924; *Memorandum* from the Esthonian Legation, December 18, 1924, pp. 6-7.

⁸⁷ *New York Times*, December 2, 4, 9, 1924. "It is believed," states the Esthonian *Memorandum*, "that the hopeless and foolish attempt to seize power was made on instructions from the Communist Internationale whose aim is to overthrow the democratic institutions in other states . . . and so destroy the world confidence in the stability of the new Baltic States which form a bulwark against the westward movement of Bolshevism. Quick liquidation of the uprising and complete peace over the entire country show the stability of the established democratic régime in Esthonia, as well as the determination of the government and Parliament to safeguard democratic institutions and order in the country."

⁸⁸ Cf. p. 350 *ante*.

⁸⁹ *Central European Observer*, August 15, 1924, p. 1.

⁹⁰ *Ibid.*, August 23, 1924.

⁹¹ *Bulletin Périodique de la Presse Russe*, November 22, 1924, p. 2.

⁹² *Central European Observer*, August 30, 1924, p. 2; October 4, 1924, p. 1.

128,000 new adherents for the Communist party, bringing its total membership up to about 600,000 members, whereas in June, 1923, it numbered only 472,000. According to official statistics, however, only a scant majority of the membership was made up of workers,⁹³ and most of the new recruits to the party's standard have known no other regime than that of the Soviets since reaching years of discretion. An interesting light on the composition of the Soviets in 1924 is shed by the following table:⁹⁴

PARTY COMPOSITION	MIR	VOLOST	TOWNS	COUNTY	PROVINCES
Communist.....	7%	48%	58%	87%	89%
Non-Communist.....	93%	52%	42%	13%	11%

These figures indicate that despite the recruiting campaigns communism, once clearly dominant throughout the Soviet structure, is slowly but surely being submerged by the filling up of the lower ranks in the soviet hierarchy with peasant proprietors, while it is conceded, even among the high priests of Sovietdom, that an effort to return completely to a regime of undiluted communism would be suicidal. Thus Djerjinsky was forced to admit before the conference of the Provincial Economic Councils in December that "Soviet legislation and Communist Party instructions often are too hasty and 'conservative' with regard to the elimination of private capital from the sphere of trade and industry." He further intimated that the policy of the government was to be considerably modified, as it had been "bending the stick too far." His recommendation of a reversal of this policy and of the granting of permission to foreign capital to participate "carefully" in industry would appear to mark a return to the New Economic Policy of 1921.⁹⁵

No discussion of the status of political parties would be complete without a mention of various party divisions and fusions which have taken place. The merging of certain minor groups into greater blocs or parties capable of conducting an efficient campaign in parliament or in the country at large has been a principal endeavor in Poland, Rumania and Jugoslavia.

⁹³ In 1924 the party was composed of 55.4% workers, 20.3% peasants, and 21% employers and others. The percentage of peasants shows a decrease of 6% from 1923. Cf. *Central European Observer*, June 28, 1924, p. 1.

⁹⁴ *Ibid.*, "About two-thirds of the members joined after the Bolshevik revolution, or three-fourths, if the Lenin recruits are included."

⁹⁵ *New York Times*, December 5, 1924.

In Poland Premier Grabski's effort to gain the support of Stanislas Thugutt, leader of the Peasant party, led to a partial disintegration of that party, several members seceding from it and joining their fortunes with the *Wyzwolenie* or Liberty party, to which a like group of secessionists from Witos' *Piast* party had adhered. The lines of division were primarily due to the unwillingness of Thugutt and Witos to accept a program of gratuitous distribution of land to the peasantry without compensation to the landlords.⁹⁵ Grabski was finally successful in reconstructing his cabinet to include Thugutt at the end of November.⁹⁷

In Rumania the National Democratic Party joined with the Popular Party to form the National People's Party,⁹⁸ while the National Transylvanian party and the Agrarian party joined forces in June to form the National Peasant party.⁹⁹ As the Socialist and Communist parties have been dissolved, this leaves Rumania with almost a three-party system, the remaining party being the Liberal Party now in power, whose moving spirits have been the Bratianus.

In Jugoslavia, the creation of the Democratic bloc which permitted the entry into power of the Davidović cabinet aligned the Slovene People's Party, the Croatian Peasant Party, the Yugoslav Democratic Party and the Bosnian Moslems against the Old Serbian Radicals and the Dissident Democrats.¹⁰⁰

On the whole, despite the tendency of royalist factions to found new and impotent parties, the tendency would appear to be toward the integration of political parties into fewer, better-disciplined groups, a wholesome tendency which an abandonment of existing schemes of proportional representation—without doing violence to national minorities—might do much to promote.

FOREIGN RELATIONS

The discussion of foreign relations may be best attempted by a classification of questions or problems into those of (1) coöperative, (2) parallel or reciprocal, and (3) conflicting interest, a method of grouping which is used in delimiting the agenda of the Little Entente.¹⁰¹ Among

⁹⁵ *Gazette de Prague*, June 28, 1924, p. 2.

⁹⁷ *San Francisco Chronicle*, November 30, 1924.

⁹⁸ *Gazette de Prague*, May 14, 1924, p. 1.

⁹⁹ *Ibid.*, June 18, 25, 1924.

¹⁰⁰ *The Near East*, Vol XXVI, p. 162, August 14, 1924.

¹⁰¹ Cf. *Central European Observer*, May 17, 1924, p. 1, for an excellent exposition of this theory.

questions of coöperative interest are to be found the major problems of international politics, from matters of humanitarian import like the stamping out of typhus, or the exchange of refugees or prisoners, the relief of famine, or the regulation of international river navigation, to the settlement of the outstanding issues of reparations, disarmament, arbitration and security. The work of various international commissions as well as that of the League of Nations is too well known to need mention here. But attention may be directed to the continued functioning of (1) the Baltic Conferences and (2) the Little Entente, as regional agencies in the area under discussion for the periodic review and solution of questions of common and coöperative interest.

During 1924 Baltic Conferences were held at Warsaw, Kovno and Riga, while one was scheduled to meet toward the end of the year at Helsingfors. The Warsaw Conference (February 16-17, 1924) was attended by representatives of all the Baltic countries except Lithuania, and succeeded in drafting an arbitration project of considerable importance, *ad referendum*.¹⁰² The Kovno Conference (May 19) attended by Russia, Esthonia, Latvia and Lithuania, was primarily a technical conference looking to the improvement of commercial relations and communication. The strained relations between Finland and Russia over the Carelian question kept Finland from attending, while the Polish Lithuanian dispute prevented the attendance of Poland.¹⁰³ The Riga Conference (July 25) was restricted to Latvia and Lithuania, and confined to the endeavor to conclude a customs union. Its success in concluding "a series of agreements of a practical character" to bring these two Baltic states closer together makes it perhaps the most significant conference of the year.¹⁰⁴ The proposed Helsingfors Conference was postponed from August to November on account of the impending negotiation of the Geneva Protocol¹⁰⁵ and was again postponed on account of the refusal of Lithuania to attend.¹⁰⁶

The effectiveness of these gatherings in solving the common questions of security, mutual assistance, arbitration and closer economic union was largely vitiated by the continued and apparently well-founded distrust of Poland by Lithuania, which has precluded any meetings at

¹⁰² *Gazette de Prague*, March 3, 1924, p. 2.

¹⁰³ *Ibid.*, May 17, 1924, p. 2; *Central European Observer*, May 10, 1924, p. 1.

¹⁰⁴ *Gazette de Prague*, July 30, 1924, p. 1; *Memorandum from the Latvian Consulate*, No. 9529, p. 3.

¹⁰⁵ *Central European Observer*, October 25, 1924, p. 1.

¹⁰⁶ *Gazette de Prague*, October 8, 1924, p. 1.

which both Lithuania and Poland might be present. While this condition of affairs exists, which only the liquidation of the dispute over Vilna in the interest of Lithuania can terminate, Baltic Conferences may produce limited, though valuable, results in purely technical matters affecting two, three, or even four states, but never any lasting general agreements of far-reaching importance.

By contrast the meetings of the Little Entente at Belgrade, Bled, Prague and Ljubljana were notably successful. The Belgrade Conference (January 10-12) was primarily intended to secure concerted action of the Little Entente in regard to the reconstruction of Hungary. The consent there accorded the financial reconstruction program was largely the work of the Czechoslovak foreign minister, Dr. Eduard Beneš. The adjusting of the relations between the members of the Little Entente in view of the Franco-Czech alliance and the pending Italo-Yugoslav pact was also involved.¹⁰⁷ The Bled Conference (May 12-13) in turn marked the necessary exchanges of views preliminary to the negotiation of the Italo-Czech treaty of coöperation.¹⁰⁸ The Prague Conference (July 11-12) was devoted to a consideration of the respective interests of Czechoslovakia, Yugoslavia and Rumania in the revision of the reparations settlement as well as in the negotiation of the protocol of arbitration, security and disarmament at Geneva.¹⁰⁹ The Ljubljana Conference (August 27) was held in an endeavor to reach an agreement respecting the attitude of the three states toward the Dawes plan and military control in former enemy states. It was also necessitated by the change in administration in Yugoslavia and the desire of Marinković to meet his Czech and Rumanian colleagues.¹¹⁰

On the whole, then, it may be said that the conferences of the Little Entente have been largely instrumental in facilitating the liquidation of the long-standing Adriatic controversy by the Italo-Yugoslav alliance, in preparing the way for the financial reconstruction of both Hungary and Germany, in laying the foundations for the negotiation of the Geneva Protocol, while making possible at least a partial liquidation of the Bessarabian problem between Russia and Rumania.

¹⁰⁷ *Bulletin Périodique de la Presse Yougoslave*, No. 49, February 16, 1924.

¹⁰⁸ *Gazette de Prague*, May 17, 1924, p. 1.

¹⁰⁹ *Bulletin Périodique de la Presse Tchécoslovaque*, No. 11, September 23, 1924; *Bulletin Périodique de la Presse Yougoslave*, No. 54, August 9, 1924; *Gazette de Prague*, July 16, 1924, pp. 1-2; *The Near East*, Vol. XXVI, p. 85, July 24, 1924.

¹¹⁰ *Central European Observer*, August 23, 1924, p. 1; *Bulletin Périodique de la Presse Yougoslave*, No. 55, October 2, 1924.

Among questions of parallel or reciprocal interest have been those of recognition and the assumption or resumption of diplomatic relations, particularly involving the foreign relations of Albania, Greece and Russia.¹¹¹ The two revolutions in the first, the transformation of Greece into a republic, and the gradual forced coming to terms between the western Allied Powers and Soviet Russia marked the most important diplomatic negotiations of a purely political character. Of no less importance were the varied negotiations for the formulating of consular and commercial treaties,¹¹² which were epidemic throughout Central Europe in 1924 as the economic clauses of the various treaties of peace¹¹³ granting the Allies five-year economic privileges approached their termination. Such negotiations were necessarily accompanied by others for the liquidation of various matters of a nonpolitical nature, primarily relating to matters of a juridical, administrative, procedural or technical character.¹¹⁴ The resulting liquidation conventions have been of paramount importance in clearing up the legal and economic

¹¹¹ For example, Albania and Russia mutually recognized each other (*The Near East*, Vol. XXVI, p. 446, October 30, 1924); Yugoslavia promptly came to terms with the new Greek government on April 30, 1924 (*Bulletin Périodique de la Presse Yougoslave*, No. 52, June 5, 1924) while Austria (February 27, 1924) and Denmark, following in the wake of the Great Powers, recognized the Soviet Government *de jure* (*Bulletin Périodique de la Presse Autrichienne*, No. 152, April 3, 1924; *Gazette de Prague*, June 18, 1924, p. 1).

¹¹² Among such may be mentioned those of Austria with England (May 22), Latvia (August 9), and Rumania (July 25); of Czechoslovakia with Italy (7 treaties, March 18), Lithuania and Norway (May 26) and Turkey (October 11) of Finland with Belgium, Denmark, England, Holland and Latvia (July 23); of Germany with England (December 2) and Spain (July 25); of Hungary with Yugoslavia (June 26), Russia (September 13) and the United States (November 12); of Yugoslavia with Italy (July 14); of Latvia with Holland (July 2) and Norway (August 14); of Poland with Denmark, Estonia, Japan, Latvia, Russia, Sweden and the United States, as well as Russia's treaties with China, England and Italy. Of course many more treaties were under negotiation, but the foregoing, as accomplished facts, are indicative of the trend of diplomatic activity in 1924.

¹¹³ Cf. Article 280 of the Treaty of Versailles, Article 232 of the Treaty of Saint Germain, Article 160 of the Treaty of Neuilly, and Article 215 of the Treaty of Trianon.

¹¹⁴ Among such were those of Austria with Italy, resulting in six liquidation treaties of July 25, and with Rumania (16 treaties of the same date). Finland signed five liquidation treaties with Russia on June 18, winding up the legal consequences of the Treaty of Dorpat, while Hungary signed various treaties with Yugoslavia, and twelve liquidation conventions with Rumania on April 18, to clarify the situation left by the Treaty of Trianon.

debris of the World War, and confirming the territorial and political settlements previously reached.

Added to these have been questions relating to mutual limited territorial guaranties and military and political alliances, within the limits permitted by the Covenant of the League of Nations. Their solution was marked in 1924 by the Italo-Yugoslav¹¹⁵ and Italo-Czech¹¹⁶ alliances, the Franco-Czech alliance,¹¹⁷ the Rumano-Yugoslav military convention¹¹⁸ the pending Franco-Yugoslav treaty, and the negotiations still in progress, as, for example, between Italy and Rumania, at the end of the year.

Finally may be enumerated the questions of conflicting interest, usually final territorial settlements, such as those relating to Memel,¹¹⁹ Javorina and Spis,¹²⁰ the Banat¹²¹ and Fiume,¹²² arrived at directly or through the mediation of outside agencies, and the arbitration of various disputed legal or political questions.

The index to felicitous international relations lies in the increase of coöperative and parallel policies and in the reduction of conflicting ones, while providing agencies for the peaceful liquidation of controversial matters by either judicial or conciliatory processes. With the possible exception of Russia, such tendencies are believed to be in process of becoming general in the foreign relations of the nations under review.

In conclusion, it is believed that by comparison with 1923 the internal and external political situation of the states of Central and Eastern Europe appears appreciably improved, due to the return to sound financial standards, the implementing of democratic constitutions, the consolidation of political parties, the liquidation of international difficulties and the increase of international coöperative effort. Many problems remain for the future, yet in general the record for 1924 is one of achievement.

MALBONE W. GRAHAM, JR.

University of California, Southern Branch.

¹¹⁵ Signed January 29, 1924. Cf. *Bulletin Périodique de la Presse Yougoslave*, No. 50, April 15, 1924.

¹¹⁶ Signed July 5, 1924. Cf. *Central European Observer*, July 12, 1924.

¹¹⁷ Signed January 9, 1924. Cf. *L'Europe Nouvelle*, Vol. VII, p. 154.

¹¹⁸ Signed October 9, 1924. Cf. *Gazette de Prague*, October 11, 1924, p. 1.

¹¹⁹ Signed May 8, 1924. Cf. *Elta Bulletin* No. 50, pp. 1-4 for the text of the convention.

¹²⁰ Signed May 7, 1924. Cf. *Gazette de Prague*, May 10, 1924, p. 2.

¹²¹ In execution of an accord of November 24, 1923. Cf. *Gazette de Prague*, April 16, 1924, p. 2.

¹²² Cf. note 114 *supra*.

The Reichstag Elections. Although two general elections were held in Germany during 1924, the political situation remained confused. The election of May¹ resulted in gains for both the extreme right and the extreme left; the one of December registered a reaction against both extremes. However, neither of these contests was sufficiently conclusive to indicate clearly the direction in which the currents of public opinion were moving. The result has been a remarkable series of cabinet crises, the latest of which it took more than a month to settle.

But in spite of the political confusion growing out of the indecisive election contests, Germany found herself in a much more hopeful condition at the end of 1924 than at any previous time since the war. The Herriot government in France had shown a disposition to come to an agreement with Germany. At the London Conference Germany received assurance that the Ruhr would be evacuated and that foreign capital would be made available for the restoration of her industries, and her representatives, in turn, accepted the Dawes plan for the settlement of the reparations problem. The legislation necessary for the carrying out of the plan was later adopted by the aid of the Nationalist party, which before the May election had vigorously condemned it as a second Versailles. Marx, Herriot, and MacDonald succeeded in introducing a new spirit of compromise which promised far more in the way of actual results than the Poincaré method of threats and ultimatums. Thus it was the consensus of opinion that 1924 brought appreciably nearer the settlement of European war issues.

For more than a year previous to the May election, the German government was controlled by the moderate elements, the Democrats, the Centrists, and the People's Party, who could usually depend on the support of the Social Democrats. These three coalition groups, together with their Socialist allies, had a large majority in the Reichstag.² Moreover, since the opposition consisted of the two extremes, the Nationalists and the Communists, the government was stronger than its large majority indicated.

¹ For an account of the May election see W. J. Shepard, "The German Elections," *Am. Pol. Sci. Rev.*, Aug., 1924.

² In the Reichstag before the May election the government parties were represented as follows: Social Democrats, 169; Democrats, 40; Center, 72; People's Party, 65; Bavarian People's Party, 20; The opposition parties had the following representation: Nationalist, 71; Communist, 25. *Berliner Tageblatt*, Dec. 11, 1924.

In the election of May, however, the government parties and their allies, the Socialists, suffered serious reverses.³ They returned, it is true, a majority of the Reichstag members, but their majority was so small that the control of the government was continually in doubt. Ultimately this uncertainty and the division of opinion as to the inclusion of the Nationalists in the coalition led to the dissolution of the Reichstag and the election of December 7.⁴

The most important issue before the last Reichstag was the question of the acceptance of the Dawes report on the settlement of reparations. That issue had been the most prominent one before the electorate in the recent election, since the Marx government had committed itself definitely in favor of the plan, while at least many of the prominent leaders of the Nationalists had vigorously condemned it. One of the laws necessary for the acceptance of the Dawes plan, that concerning the railways, required a constitutional amendment, for the adoption of which the constitution prescribes a two-thirds vote of the Reichstag. Obviously the opposition had it within its power to defeat the measure. The question was whether the Nationalists were willing to take the responsibility for such action.

The actual test came in the Reichstag session of August 29 when the laws and the constitutional amendment necessary for German acceptance of the Dawes report and the London Agreement were scheduled to come to a vote. The session was a dramatic one, for the Nationalists had kept both the Reichstag and the public in the dark relative to their final decision on the question at issue. On the bank bill, which required only a majority vote, the division resulted in 262 votes for and 172 against. The other laws were adopted by similar majorities. On the railway bill there were 441 votes cast—for the bill 314, against it, 127. The government parties, People's, Center, and Democrat, voted in favor of the bill; the Communists and the Extreme Nationalists (*Volkische*) voted against it. The Nationalist party had left its members free to vote as they pleased and some forty of them voted with the coalition and the Socialists, thus insuring the required two-thirds majority necessary to amend the constitution.

³ Frank H. Simonds, "The German Election," *Am. Rev. of Rev.*, June, 1924.

⁴ From May to October the government parties had the following representation: Social Democrats, 99; Democrats, 28; Center, 65; People's Party, 45; Bavarian People's Party, 16. The chief opposition groups were represented as follows: *Volkische* (Extreme Nationalists) 32; Nationalists, 106; Communists, 62. *Berliner Tageblatt*, Dec. 11, 1924.

Included among the Nationalist leaders who voted for the railway bill were Admiral von Tirpitz and Prince Bismarck. The Nationalists were severely criticised for strongly opposing the Dawes report and then helping to secure its adoption. The more moderate members of the party had never been outspoken in opposition to the reparations settlement and doubtless were convinced that it promised sufficient advantage to Germany to merit at least a trial. It is probable also that many Nationalists were influenced by the knowledge that if the necessary votes were not secured there would be another Reichstag election in the near future.⁵

The Reichstag vote in favor of the Dawes plan did not, however, stabilize and confirm in power the cabinet of Dr. Marx. On the contrary, it raised the difficult, and as events proved, insoluble problem of the admission of the Nationalists into the government coalition. The Nationalists were eager to participate in governing the country and Dr. Stresemann, the foreign minister and leader of the People's party, was insistent that they should be allowed to do so. In fact it was rumored that Nationalist votes had come to the support of the government on August 29 only after Stresemann had promised that party a number of cabinet positions at the earliest time possible.⁶ With this view of the People's party, however, the other coalition groups were not in agreement. The Democrats, in particular, were opposed to the foreign minister's policy of a movement to the right. They had been the target of Nationalist criticism and were profoundly alarmed by the openly avowed monarchical theories of the Nationalists. The Center, with its membership drawn from all classes of people from extreme monarchists to radical socialists, was divided on Stresemann's plan but did not seriously oppose it. The Socialist allies of the govern-

⁵ For an account of the Reichstag session of August 29 see an article in the August 30 issue of the *Vossische Zeitung*, reprinted in the *Living Age*, Oct. 11, 1924. The *London Times* in an editorial entitled, "The German Acceptance" commented as follows: The German Government and the German people are to be congratulated warmly on the result. It is a triumph of common sense; but while that triumph was foreseen by well-informed and judicious observers, it was not assured until the last moment. President Ebert and his Cabinet had, indeed, wisely and boldly decided that, whatever the fate of the Bills Germany would sign the Agreement; but had the Bills failed to obtain the necessary majority a Dissolution would have been inevitable, and the whole scheme would have been exposed to the risks of a General Election fought largely upon other issues. *Times Weekly Edition*, Sept. 4, 1924.

⁶ *Times Weekly Edition*, Oct. 23, 1924.

ment were bitterly opposed to the Nationalists, and their opposition added to that of the Democrats would have made the government's position impossible had the plan been carried out.

Confronted by such divisions among his followers Chancellor Marx sought to reconstruct his ministry during September and October. He at first attempted to secure an agreement with the Nationalists and the Socialists with a view to the inclusion of both groups in a reconstructed cabinet. He was willing to have them enter the government provided they would recognize the inviolability of the Weimar Constitution, give their support to the London Agreement and the government's foreign policy, and advocate Germany's entry into the League of Nations.⁷ Although both parties expressed a willingness to accept these terms "in principle," neither wishing to assume responsibility for a new election, the Chancellor found it impossible to bring the two irreconcilable groups together in an understanding that promised the minimum requisite of stability. The Center remained undecided on the issue. On October 14, the party issued a statement that the existing government should remain unchanged, but a few hours later issued another to the effect that the Nationalists should be included if the Democrats would remain in the coalition. The Democrats, however, opposed this suggestion and passed a resolution in favor of the existing arrangement. They urged the ministry to appear before the Reichstag and demand a vote of confidence.⁸ The left wing of the Center was greatly strengthened by the firm stand of the Democrats, who exerted an influence altogether out of proportion to their strength in the Reichstag. Obviously a deadlock had been reached. Stresemann and the People's party would remain in the government only if the Nationalists were admitted.⁹ The Democrats would support the government only if the Nationalists were excluded. After all hope of an amicable arrangement was exhausted, Chancellor Marx,

⁷ *Manchester Guardian Weekly*, Oct. 10, 1924.

⁸ "The German People's party received a rebuff. It did not secure its much desired object, the Bürgerblock. The German people were saved from this catastrophe by the determination of the Democrats." *Berliner Tageblatt*, Oct. 21, 1924.

⁹ Doubtless one of the main reasons for Stresemann's determination to have the Nationalists in the government, now that the acceptance of the Dawes plan had been secured, was his desire, as leader of the great industrialists, to insure a system of taxation for Germany which would shift the financial burdens involved in the Dawes plan to the shoulders of the masses of the people through customs and excises and thus lighten the taxes on incomes and property. See an informing article by Georg Bernhard, editor of the *Vossische Zeitung*, in *New York Times*, Nov. 30, 1924.

on October 20, asked President Ebert for a dissolution of the Reichstag. The President issued the decree and the election was set for December 7.¹⁰

As in the past, there were numerous parties and factions in the field. The Berlin Correspondent of the *London Times* reported that there were fourteen contesting parties in the city of Berlin alone and more than fifty in the whole of Germany. The number of candidates was estimated at 4,638.¹¹ However, just as in the previous election, there were only eight parties which enjoyed considerable support and were seriously considered as factors in the contest. These were, from right to left: Extreme Nationalist (*Volkische*), Nationalist, People's Party, Bavarian People's Party, Center, Democratic, Social Democratic, and Communist. These parties had all but a score of the mandates in the Reichstag before the dissolution and they retained their pre-dominance in the December election.

The Nationalist party issued a proclamation definitely announcing its belief in the restoration of the monarchy. "Our party," said the party program, "remains as it was—monarchist and nationalist. Our aims are German and national. Our glorious colors are black, white, and red. Our will is firmer than ever to create a Germany free from Jewish and French domination, free from Parliamentary cliques and the domination of capitalism—a Germany in which we and our children again proudly wish to do our duty."¹² The Extreme Nationalists, led by Ludendorff, were even more outspoken in their appeals for the overthrow of the republic and the restoration of the old régime.

During the campaign the People's party continued attempting the difficult feat of facing both to the right and the left at the same time. In those regions where the party hoped to gain at the expense of the Nationalists it assumed a decidedly monarchic position, while in others where its chief opponents were the Democrats and Centrists it emphasized the necessity of carrying out loyally the country's agreements with foreign powers. Like the Nationalists, it displayed the old German colors.

Except in such districts as southern Germany and the Rhineland, where religious questions have great political significance, there was no real struggle between the Centrists, the Democrats, and the Socialists. In fact, these three groups fought the campaign as a Republican bloc united in an organization known as the *Schwartz-Rot-*

¹⁰ *Berliner Tageblatt*, Oct. 16-21, 1924.

¹¹ *London Times*, Dec. 5, 1924.

¹² *Manchester Guardian Weekly*, Oct. 24, 1924.

Gold, the colors of the Republic. This organization, formed in the spring of 1924 to combat the activities of the monarchists, enlisted in less than a year more than three million members and was extremely active during the campaign. It is equipped with uniforms and banners, is under semi-military discipline, and is recognized as a powerful force working for the maintenance of republicanism.¹³

The Communists, although they kept up a vigorous and boisterous agitation throughout the campaign, seemed to most observers destined to lose heavily in the election. Economic conditions had improved decidedly since the May election, when the irreconcilables had made serious inroads on the Social Democrats. Moreover, it was believed that the obstreperous procedure of the Communists in the late Reichstag had alienated all but the most violent extremists.

As was generally expected, the election resulted in losses for both the extremes—the Ludendorff Nationalists and the Communists—and corresponding gains for the more moderate elements. It did not, however, seriously affect the pre-election balance between the right and the left. In other words, the electorate again failed to give a definite answer to the main questions submitted to it—monarchy or republic and the loyal fulfilment of the Dawes plan. The Social Democrats gained at the expense of the Communists, and the Nationalists gained at the expense of the party of Ludendorff. The People's Party, the Centrists, and the Democrats all improved their standing to some extent; but the hope of the Republicans that these parties and the Socialists would win increases large enough to enable them to assume unquestioned control of the government was not realized.

The following table¹⁴ shows the party representation in the Reichstag before and after the December election.

PARTY	MAY ELECTION	DECEMBER ELECTION	GAINS	LOSSES
Extreme Nationalist.....	32	14		18
Nationalist (with Land Union).....	106	110	4	
People's Party.....	44	50	6	
Center.....	65	68	3	
Bavarian People's Party.....	16	19	3	
Democrat.....	28	32	4	
Social Democrat.....	100	130	30	
Communist.....	62	45		17
Others.....	19	25	6	

¹³ *London Times*, Dec. 6, 1924; *New York Times*, Nov. 30, 1924.

¹⁴ *Berliner Tageblatt*, Dec. 11, 1924; *Times Weekly Edition*, Dec. 11, 1924; *Manchester Guardian Weekly*, Dec. 12, 1924.

Under the list system of proportional representation used in German elections the size of the Reichstag depends upon the number of votes cast, each party being entitled to one seat for every 60,000 votes it receives. The old Reichstag contained 472 members; the new one, because of the larger popular vote at the December election, contains 493 members. The popular vote for the parties securing mandates was as follows:¹⁵

Extreme Nationalist.....	891,671
Nationalist.....	6,122,255
Land Union.....	498,003
Peoples' Party.....	3,017,132
Bavarian People's Party.....	1,111,786
Center.....	4,061,593
Democrat.....	1,902,646
Social Democrat.....	7,788,250
Communist.....	2,679,429
Others.....	1,253,868

The foregoing figures show that there was a remarkable popular interest in the election. It is estimated that more than 82 per cent of all those eligible to vote actually went to the polls. Even the high standard of the May election was surpassed.

In the new Reichstag are found practically all of the leaders of the old one. This is to be accounted for partly by the election system which places great power in the hands of the party leaders. If a prominent party leader happens to be defeated in his election area, a place can be given him on the national list of the party. The candidates whose names appear on the national party list are elected by the party's remainders from the local electoral areas. General Ludendorff was returned at the head of his greatly shrunken Fascist group. Admiral von Tirpitz, Count Westarp, Herr Hergt, Professor Hoetzsch, and Prince Bismarck were among the Nationalist leaders reelected. The People's Party is again led by Dr. Stresemann, known as the "crisis maker." Marx, Wirth, Fehrenbach, and Stegerwald represent the Center. Among the Democrats are found Herr Erkelenz, Dr. Dernburg, and Count Bernstorff, the former ambassador to the United States. The most prominent Social Democrats returned are Breitscheid, Hilferding, Loebe, Severing, and Müller, the reputed party boss. Ruth Fischer, the noisiest of the Communists, was again elected.

Since it did not materially alter the strength of the various party

¹⁵ *Times Weekly Edition*, Dec. 11, 1924.

groups the election did not make the formation of a strong government easier. Shortly after the results of the election were known, Chancellor Marx attempted to secure an agreement for the inclusion of the Socialists in the government and thus to form a "Great Coalition," to consist of the People's Party, Centrists, Democrats, and Socialists, with a combined vote of 280 in the Reichstag. Such an arrangement would have given the government a safe majority. This plan was, however, rejected by Stresemann, who renewed his efforts to have his friends, the Nationalists, included. Thereupon the Chancellor resigned, stating that he could not assume responsibility for a government composed of Nationalists whom he could not trust to carry out his policies. The President now asked Stresemann to form a cabinet. The Foreign Minister attempted to do so, but met an insuperable obstacle in the Centrists' absolute refusal to cooperate with the Nationalists. Without the Centrists, the Bürgerblock could not be established. As soon as the decision of the Center was made known to him by Dr. Marx, Stresemann told President Ebert that his efforts to form a government had been in vain and asked that some one else be commissioned to undertake the task. Chancellor Marx then renewed his efforts, but they proved fruitless. All imaginable combinations of the several party groups, as well as so-called nonpartisan arrangements, were tried, but to no avail.¹⁶

At length, on January 15, Dr. Hans Luther, former Mayor of Essen and Minister of Finance in the Marx cabinet, was named Chancellor. The cabinet which he established consists of the following members.¹⁷

Dr. Luther.....	Chancellor
Dr. Stresemann (People's Party).....	Foreign Affairs
Herr Schiele (Nationalist).....	Interior
Herr Neuhaus (Nationalist).....	Economics
Herr Schlieben (Nationalist).....	Finance
Count Kanitz (Nationalist).....	Agriculture
Herr Brauns (Center).....	Labor
Herr Frenken (Center).....	Justice
Her Stingl (Bavarian People's).....	Posts and Telegraphs
Herr Gessler (Democrat).....	Defense
Herr Krohne (Non-Partisan).....	Communications

The cabinet of Dr. Luther is made up entirely of members of the bourgeois groups and represents a strong shift to the right. Dr.

¹⁶ The *Berliner Tageblatt*, Dec. 10-Jan. 15, contains full accounts of the party negotiations that preceded the formation of the Luther Cabinet.

¹⁷ *New York Times*, Jan. 20, 1925.

Stresemann's object, the admission of the Nationalists, was thus finally realized. Three of the members of the new government, Stresemann, Brauns, and Gessler, were also in the Marx cabinet. The Chancellor is the first civil service officer to hold that post.

On January 19 Chancellor Luther presented his ministry to the Reichstag for approval. The first sentences of his speech were drowned by the Communist chorus of "Amnesty! Amnesty!" But President Loebe quickly restored order. The new Chancellor began by praising his predecessor's steadfastness in the face of great difficulties. The government, he said, would take its stand on the republican constitution and would oppose and punish as high treason any attempts to alter it by violent or other illegal methods. It would also carry out loyally all the laws passed for the purpose of making effective the Dawes plan and the London Agreement. The Chancellor concluded with an appeal for unity, the only means by which Germany could achieve complete recovery from the effects of the war.¹⁸

On January 22 the Reichstag gave the government a vote of confidence. The Nationalists, the People's Party, the Economic Union, the Bavarian People's Party, and most of the Centrists voted for the government, while the Social Democrats, the Communists, and a few Centrists, including Ex-Chancellor Wirth, voted against it. The Democrats and the Extreme Nationalists abstained from voting. There were 246 votes in favor of the cabinet and 160 against it. Thirty-nine members did not vote.¹⁹

Thus in spite of the fact that the republican parties of the left secured additional strength in the December election, the government of Germany ultimately formed represented a decided swing toward the right.

ELMER D. GRAPER.

University of Pittsburgh.

¹⁸ *New York Times*, Jan. 20, 1925.

¹⁹ *Ibid.*, Jan. 23, 1925.

REPORTS OF ROUND TABLE CONFERENCES

AT WASHINGTON, D. C., DECEMBER 29-31, 1924

COMPARATIVE GOVERNMENT

At the three sessions of the round table on Comparative Government, under the chairmanship of Professor Walter J. Shepard, there was a total registration of thirty members and an average attendance of over twenty. The conference opened with the consideration of a number of topics for discussion, the one finally chosen being the causes for the general decline of the legislative branch of government, and the corresponding enhancement of the power of the executive. This problem was considered with reference to the fundamental difference between cabinet and congressional government. Dr. Herman Finer of the London School of Economics explained most illuminatingly the causes for the noticeable relative loss in strength of the English House of Commons. These were shown to be particularly the increasing congestion of business; the incapacity of the House to think out its problems; its lack of ability to control the civil service; and the strength of party ties. The increasing importance of the English civil service was emphasized, and the modification which this branch of the government is effecting in the actual functions of legislation and administration. Comparisons were drawn between the English developments and those in France and the United States.

This general subject was continued during a part of the second session. The remainder of this period was devoted to a discussion of the causes and implications of the Fascisti movement in Italy, to which Professor Henry R. Spencer brought the results of his first-hand observations and of the intensive study which he has been making of this problem.

Professor E. D. Graper, at the third session, made a report on the recent German elections, giving special attention to the operation of the system of proportional representation. The problem of the sources of information for a study of contemporary developments in foreign governments and politics likewise received attention. Professor Spencer gave a survey of Italian newspapers from this point of view, and

Professor F. A. Ogg discussed the development of English and French interest in the study of comparative government.

The question of continuing the round table on Comparative Government at the next meeting of the Association was raised, and a motion was unanimously carried expressing the desire that this be done, and requesting the committee on program to provide for the inclusion of this round table in the program for 1925.

W. J. SHEPARD.

INTERNATIONAL AFFAIRS

The Round Table on International Affairs had an attendance of from twenty-two to twenty-six persons at each session. The director announced that the first session would be devoted to discussion of the topic "Research and Instruction in International Politics and Law."

Mr. Denys P. Myers of the World Peace Foundation opened the discussion by noting the unfortunate influence upon research and instruction of certain antiquated conceptions, such as the seventeenth-century notions of sovereignty, which have long since ceased to be in accord with the facts of international life, and urged that more effective use be made of contemporary materials appraised in the light of modern conceptions.

Professors Martin and Stowell asked how the revaluation of fundamental concepts should be handled in dealing with more or less immature students. Mr. Myers conceded the difficulties, but thought that a healthier emphasis might be achieved by more general use of significant contemporary materials.

Professor Wilson was asked to explain the use of the clipping thesis in his course in Harvard University. The discussion was continued by those who had prepared such theses in Professor Wilson's courses.

Professor Wright thought that a great deal could be accomplished by the use of hypothetical cases, especially by assigning such cases to students for thorough study and the preparation of opinions.

Professor Catlin discussed the sub-topic, "Scope, Organization, and Method of Courses in Politics," dealing particularly with the relation of international politics to other social sciences.

Professor Stowell discussed the sub-topic, "Scope, Organization, and Method of Courses in Law," emphasizing limitations upon the use of the case-method in teaching international law.

At the second session, Professor Martin continued the discussion of courses and methods, pointing out that international law is to some

extent case law and intimately related to private law, but that international politics is a subject of uncertain content and ill-defined relation to other subjects. He reviewed the practice in different institutions in respect to the relation established between courses in international law and international politics, comparing courses in international law which appear to be somewhat standardized in plan and content with courses in politics with respect to which there is the greatest diversity.

Professor Wright doubted whether courses in international law can be said to be standardized, pointing out that international law is by no means a body of fixed rules and that only a small part of it is to be found in the cases.

Professor Wilson explained the use made in his own courses of hypothetical cases. Professor Fite favored the combined case and text-book method. Professor Wilson added that it had been his practice to combine text-book, actual cases, and hypothetical cases. Professor Wright emphasized the value of special hypothetical cases assigned for thorough study and written report.

Professor Catlin asked whether political theory should not be kept distinct from international politics and law. Professor Borchard replied that it is impossible to discuss cases without discussing theory, notably such cases as *Schooner Exchange v. M'Fadden*.

Professor Garner stressed the danger in confining international law too much to the study of cases. National cases present only a national viewpoint. Often they give expression to a theory which is not in accord with international practice. The cases of *Exchange v. M'Fadden* and *Cunard Steamship Co. v. Mellon* afford excellent illustrations. Professor Garner had found the material in Borchard's "Diplomatic Protection of Citizens Abroad" much more valuable than the material to be found in many of the cases.

Professor Fite had found that the principles "stick" if derived from the study of cases. Professor Garner doubted the advantage in cases in which the principle is not in accord with international practice. Professor Borchard said that in law schools, at least, the emphasis must be placed on municipal cases, but that other than case materials should be used.

Professor Chamberlain was impressed with the advantages in the use of cases, in that they bring definite sets of fact before the students, but he agreed that other materials must be used. Professor Borchard felt that there were exceptional advantages in the Socratic method. One of the most serious difficulties was the time limitation.

Professor Fenwick suggested that the case method is inadequate and that we should begin with general principles and proceed from general principles to make concrete applications. Professor Wright doubted the possibility of agreement upon general principles, and in any event thought that sound pedagogics required that general principles be derived inductively from the study of cases and incidents.

Professor Fenwick suggested that it would be of the greatest service to teachers of international law and related subjects if there could be prepared for each of the leading nations a digest of documentary materials, similar to Moore's Digest of International Law, in which the interpretation of international law approved by the state concerned could find adequate expression. Professor Fenwick expressed a wish that the Carnegie Endowment for International Peace might be induced to undertake the collection, translation, and publication of such materials. These suggestions were enthusiastically received.

Professor Fenwick offered the following as the text of a resolution: "That it is the sense of this Round Table group of the American Political Science Association that it would be of the greatest service to teachers of international law and related subjects to have at their disposal for each of the leading nations a body of documentary materials, including judicial decisions and the diplomatic correspondence of foreign offices, representing the interpretation of international law approved by the particular nation and corresponding roughly to a brief edition of Moore's Digest of International Law."

Upon motion of Mr. Myers, seconded by Professor Borchard, it was resolved unanimously that the American Political Science Association be asked to make a recommendation to the Carnegie Endowment for International Peace in accord, in substance, with Professor Fenwick's suggested resolution. The same motion instructed the director to appoint a committee of two to present the matter to the Association at its regular business meeting. The director appointed Professors Fenwick and Wright.

Mr. Myers called attention to the materials to be found in the publications of the International Intermediary Institute.

Professor Stowell thought that courses in international law should be open to undergraduates and should be given earlier in the college courses. He was of the opinion that the materials contemplated in Professor Fenwick's suggestion would be invaluable.

Professor Middlebush asked whether international law, as an undergraduate course, is to be regarded as primarily cultural. Professor Fite

thought that it should be given everywhere as an undergraduate course for its cultural as well as other values.

Mr. Myers asked for suggestions with respect to the constitution and use of the Year Book of the League of Nations. Professor Wright hoped that Mr. Levermore's type of Year Book would be continued as hitherto. There was general discussion of the content and value of such a year book.

Professor Fenwick commented upon the value of the round table discussions for all who had participated and expressed a wish that a conference of teachers of international law and related subjects might be held in connection with the next meeting of the American Society of International Law in Washington.

In the discussions which followed reference was frequently made to the work of the conference held in Washington in 1914 under the auspices of the American Society of International Law and to the parts taken by the American Society of International Law and the Carnegie Endowment for International Peace in arranging for that conference. It developed that there was unanimity of opinion in the round table as to the desirability of having another conference at an early date.

Upon motion of Professor Wilson, seconded by Professor Wright, the round table voted unanimously to instruct the director to communicate to the Secretary of the American Society of International Law and to the Director of the Division of International Law of the Carnegie Endowment for International Peace the following resolution: "That it is the sense of the Round Table on International Affairs of the American Political Science Association that a conference of teachers of international law and related subjects should be held at Washington in connection with the meetings of the American Society of International Law in April, 1925."

At the third session, the director announced that the session would be devoted to discussion of the Geneva Protocol for the Pacific Settlement of International Disputes and called upon Professor Garner to open the discussion.

Professor Garner said that the Protocol seemed to embody a very thorough and carefully worked out scheme. He regarded it as "a safe and sane and reasonably effective scheme" for achieving three very important things, viz., security, the judicial settlement of international disputes, and the reduction of armaments. He doubted whether it would ever be ratified. To date only sixteen states had signed and only one, Czecho-Slovakia, had ratified. Most of the world wishes to obtain

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great advantages without assuming the necessary correlative obligations. Nevertheless, the obligations proposed by the Protocol are not so onerous as many have assumed. There is no obligation to use armed force in enforcing covenants. The sanctions proposed are economic and political in nature.

Mr. Myers sketched the history of the events leading up to the adoption of the Protocol, emphasized the essential relation between the reduction of armaments and the pacific settlement of international disputes, and pointed out that one of the most difficult problems was raised by the question as to how we should carry out economic and political sanctions. Mr. Myers gave especial attention to the proposition, embodied in the Protocol, that aggressive war be regarded as an international crime.

Professor Middlebush discussed the proposal, likewise included in the Protocol, to invest the Permanent Court of International Justice with compulsory jurisdiction of certain kinds of disputes. Professor Middlebush indicated the significance of provisions of the League Covenant and of the Statute of the Permanent Court in this connection, and gave especial attention to the reservation clause in the Protocol, intended to make it possible for all states, great or small, to accept compulsory jurisdiction.

Professor Garner said that there was no reason to be disturbed about the reservation clause. He did not regard it as in effect nullifying the acceptance of compulsory jurisdiction. Mr. Myers called attention to the use which France had made of the reservation clause.

Professor Wright discussed "The Protocol and Domestic Questions." He called attention to provisions of the League Covenant dealing with so-called domestic questions, decisions of the Permanent Court of International Justice bearing upon the meaning to be attributed to such provisions, and finally to the provisions incorporated in the Protocol. The possible bearing of the Protocol's provisions upon controversies involving the United States was discussed informally and in some detail by several members of the round table.

EDWIN D. DICKINSON.

University of Michigan.

POLITICAL PARTIES

The round table on Political Parties, led by Professor Raymond C. Moley of Columbia University, began its work by discussing the question of party responsibility. The leader of the round table guided

the discussion into the practical aspects of the problem as well as into its theoretical aspects by propounding queries concerning existing conditions in this country. What body or group of individuals is entitled to speak authoritatively for the whole party,—the national committee, the national convention, the caucus of the House or the Senate conference or both, or some other body? Is a decision of any of these bodies binding on the others and are the state and local party committees in duty bound to follow the lead of the national committee? These and other similar searching questions were raised and discussed,—but not settled!

The absence of party harmony and the tendency away from party regularity led to several suggestions as to why parties were becoming weaker. The ancient differences between the parties were fast disappearing, some thought; while others saw the necessity of a realignment of parties in order that real issues might be raised in elections, and in order that the parties would take opposing sides in regard to these issues. Whether such a realignment of parties is probable and practical was not more than touched upon because of the shortness of the discussion period. Needless to say, there was a lively interchange of opposing opinions on this particular point.

The effect of nonpartisan elections on partisanship was touched upon briefly, and the results of proportional representation upon the party system in cities was discussed in a preliminary way. The first city election in Cleveland under the new charter as well as other proportional representation elections were brought before the round table for consideration. In this connection the question was raised as to where responsibility rests in a city which has a system of proportional representation.

Representatives from the United States Chamber of Commerce explained in some detail how public opinion is mobilized by their organization, and their explanations served to attract many questions relating to the work of legislative agents and the influence of the lobby upon congressional action.

A total of twenty-six persons were in attendance at this round table.

JAMES K. POLLOCK, JR., *Secretary.*

POLITICAL STATISTICS

The round table on Political Statistics, led by Professor A. N. Holcombe of Harvard University, continued the discussion of the meeting held at the Conference on Politics in Chicago in September, on public opinion. Three reports were made at Washington.

Professor Ben A. Arneson of Ohio Wesleyan University gave an account of a study he is supervising on Voting and Nonvoting in Delaware, Ohio. The purpose of this survey was to secure data on all persons eligible to vote in the city so as to discover, if possible, variations between voters and nonvoters as to certain qualifications as well as to compare the percentage of nonvoting according to sex, color, age, occupation, education, and so forth. The survey was suggested by the study made in Chicago by Professor Merriam and others. In the Chicago survey, however, only nonvoters were studied, while in this project data were gathered on all persons eligible to vote. Altogether data on 4393 voters were secured out of a total population of 8756. The data were secured through the personal solicitation of undergraduate students in political science. A group of ten seniors under the constant supervision of the instructor was placed in charge of gathering the data by precincts.

The following data were secured on each voter by personal interview with the voter himself or members of the family: Native-born or naturalized, parentage, native, mixed or foreign, length of residence in the community, sex, age, race, marital condition, occupation, type of neighborhood, ownership of home, education and religious affiliation.

After these data sheets were completed they were separated into voters and nonvoters on the basis of the poll-books of the election of Nov. 4, 1924. The final results for the survey have not been obtained as the compilations are still in progress. At the round table in Washington the figures on two precincts only were available. These showed, for example, that of the 627 voters studied in these precincts 227 or about 36 per cent failed to vote in the November elections. The figures further showed that the percentage of nonvoting was about twice as high among men as among women. Thirty-three per cent of the married persons failed to vote while forty-nine per cent of the unmarried voters absented themselves from the polls. The voters in the twenties showed the highest percentage of nonvoting and those in the sixties the lowest. Fifty per cent of those who were educated only in the elementary schools failed to vote as compared with thirty-nine per cent of those who had attended high school and twenty per cent of those who had attended college.

Professor Erwin F. Meyer of Colorado College gave a report on an investigation which he made during the presidential election of 1924. This study attempted to analyze the methods used by political speakers and newspapers in approaching the individual voter. It especially tried

to secure examples of various types of errors in thinking which were common among voters. It showed also how the voters might be swayed in one direction or the other by means of faulty reasoning. The study was carried on by advanced students. These were first asked to read books such as Robinson's "Mind in the Making," Wolfe's "Conservatism, Radicalism and the Scientific Method," Lippmann's "Public Opinion" and Dewey's, "How We Think," in order to acquaint them with the errors which are made in thinking. The research group then formulated what were termed five errors of social thinking, as follows: 1. Rationalization, 2. Personification, 3. Confusion of Issues, 4. Stereotyping, 5. Oversimplification. With this background the workers proceeded to analyze the speeches made at local political meetings, and also the news stories and articles found in typical newspapers from various parts of the United States, in an attempt to secure evidence as to faulty thinking. Students of diverse political affiliations were set to work on the same problem in order that personal bias might be counteracted and minimized. The following outline was used in order to standardize the method of approach:

1. Definition of Problem,
 - A. Use of any of the Five Errors in the formulation of the definition.
2. Suggestion as to Solution,
 - A. Formation of an Hypothesis or series of Hypotheses,
 - x. Critical examination of suggested hypothesis by Standard of the Five Errors of Social Thinking.
3. Verification of Hypothesis,
 - A. Use of Evidence,
 - x. Type of Evidence.
 - B. Critical examination of use and type of Evidence by the Standard of the Five Errors of Social Thinking.
4. Adoption of Solution,
 - A. State of Solution,
 - x. Critical examination of Statement by the Standard of the Five Errors of Social Thinking.
 - B. Application of Solution to the Problem as Defined,
 - x. Critical examination of the application measured by the standard of the Five Errors of Social Thinking.

The investigation was really two-edged. It tended to show how political speakers made use of emotional appeals and illogical assertions

to secure the allegiance of their auditors to one party or the other. It also showed how difficult it was for the individual student to eliminate the prejudices which he naturally had, thanks to his social background.

The investigation followed Lippmann's approach very closely. An attempt was made to work much in the way that Lippman did in analyzing Hughes' speech of July 16, 1916 (*Public Opinion*, pp. 197-99).

The investigation was valuable in developing a technic for discovering errors in thinking. It was even more valuable as indicating how a class of students may be educated in the practical operation of political campaigns. From the viewpoint of interesting teaching it was a distinct success.

The third report was given by Professor Harry A. Barth of the University of Oklahoma. This outlined a series of rules in regard to questionnairing, including the following:

The questionnaire must be motivated.

The language must be simple.

The questions should be capable of a "yes" or "no" answer.

Each question should cover only one issue.

The questions should refer to specific situations rather than to general policies.

The briefer the questionnaire, the greater the probability of securing replies. The value of the questionnaire should not be sacrificed, however, to the desire for brevity.

There are many ways of keying questionnaires, but keying is inadvisable.

Never ask for what can be obtained in another way.

The questions should be so arranged as to facilitate answering.

A self-addressed stamped envelope should be included.

It is not necessary to place the name and address of the parties addressed on the letterhead.

The ballots should reach the reader just prior to the week-end.

To combine a large number of distinct subjects in a questionnaire will probably lead to a low return.

A thought provoking questionnaire will probably yield fewer returns than one on which opinion is already formed.

Explanations must be clear and definite.

Some difficulty will invariably be experienced where the recipients are requested to distinguish between more than two possible choices.

The follow-up is of first importance.

A questionnaire, properly distributed, will bring any results you may desire.

A questionnaire, properly worded, will bring any results you may desire.

The propaganda value of questionnaires should not be overlooked.

The work of weighting the results must be carefully done.

Present evidence is insufficient to determine who answers questionnaires.

A personal interview should be used wherever feasible.

The questionnaire does not measure the intensity of opinion.

It is impossible to tell from a questionnaire whether the opinions expressed are reasoned or are the result of an ephemeral judgment.

HARRY A. BARTH, *Secretary*.

University of Oklahoma.

PUBLIC ADMINISTRATION

At the sessions of the Round Table on Public Administration there was an attendance of 21 to 22 persons, with a total of 37 at the three sessions. At the opening of the first session Mr. W. F. Willoughby, the chairman, opened the discussion on the general problem of centralization and coördination of governmental functions. Is it desirable that control from above be exercised over the administrative units and if so to what extent, and the means or character of control? The control may be exercised on four lines—general administration, finance, personnel, and material; and there are four agencies concerned with these different lines of control; namely, the executive office, the bureau of the budget, civil service commission, and the central purchasing agency.

Should central control along the several lines be exercised by the chief executive or by the legislature? It was noted that the legislature lacks agencies for supervision and enforcement. The states have never analyzed the problem and have tried to meet it in a very haphazard way. The chairman suggested that reports be made from the various states on the progress made.

Mr. Luther H. Gulick reported on the situation in New York state. The movement for administrative improvement had started in 1915, but no consistent program had been adopted on account of a political deadlock. A state budget commission had been established, consisting of the governor, comptroller and two members of the legislature, with the power to prepare a budget which is used as an organ to control the administration. There is an audit by the state comptroller and some central control by the civil service commission and some by

the engineering and tax departments. Plans for reorganization have been proposed providing for twenty departments. This has passed one session of the legislature.

Mr. Graves spoke of reorganization in Pennsylvania. It has established a system somewhat similar to that in the national government. The governor is the head of the administration. There is a budget bureau, the head of which is also secretary of the commonwealth.

Professor Gaus of the University of Minnesota spoke of the changes in Massachusetts. The subject of reorganization was discussed in the recent constitutional convention, and a provision adopted naming a limit at twenty main departments. The joint committee of the legislature proposed a plan of eighteen departments into which numerous other agencies were loosely placed. A budget bureau is also provided. A recent report has been made by a legislative committee, of which Mr. Stone, of Stone and Webster, was chairman, on the working of the reorganized administration. This recommended a reduction to eight main departments, the heads of which should form a cabinet for the governor. What has been done has constituted a cramming program without vision. The plans come from the legislature rather than from the executive leadership. The supervisor of administration is a staff advisor. The Massachusetts arrangement seems to deprive the governor of responsibility. He is controlled in most of his acts by a council of eight members, elected by districts at the same time as the governor, which must pass on all of his administrative acts except appointing military aides. The majority of the council is always Republican. Where the governor and council disagree on appointments, the incumbent continues in office.

Mr. Edwards, of the Brookings School, spoke on the situation in Minnesota. The position was taken that the governor, being elected as a political official, will allow political considerations to run through all the departments if he has the complete appointing power. A type of city manager organization was recommended for the state. Attention was called to the differences that might cause difficulty in adopting this system. The mayor is a member of the council, whereas the governor is not a member of the legislature, and with the manager plan applied to state government, would there be a small unicameral legislature elected as large? Other speakers called attention to the development of permanent under-secretaries in the different departments of government as somewhat analogous to the development of the manager idea.

Mr. Willoughby called attention to the distinction between institutional and functional services.

On the second day, Mr. Willoughby reviewed the previous day's proceedings briefly and spoke further on institutional and public service functions. In our form of government the legislature is the source of all administrative authority and should act as a check on the administration. The elected state auditor reports to the people rather than to the legislature and his work is often perfunctory. In the United States government the comptroller of the treasury was the real auditor. The new comptroller-general is appointed for fifteen years and is removable only by a joint resolution of congress. His decisions are based mainly on technical legality rather than the administrative advisability of expenditures. The present comptroller is not exercising the full possibilities of his office. The functions of the comptroller-general include both the control over disbursements and the audit of accounts. The settlement of accounts and the payment of claims are executive and administrative acts, while the audit is properly a legislative matter.

Professor Fairlie called attention to the English method, where the comptroller did not exercise direct control over disbursements but made a later audit in connection with the House of Commons committee on public accounts, the chairman of which is regularly a member of the opposition. He believes that disbursements and accounting should be handled through the executive departments, and that the auditing of accounts and examination of financial reports should be made through a committee of Congress with aid of expert accountants, who should be employed by the committee but not ranked as officers of the United States.

The question was raised as to whether the comptroller-general's decision could be overridden by the courts. Reference was made to a Massachusetts act of 1922 which provides for a comptroller and also for an auditor. It was also noted that in Minnesota there is a public examiner who conducts audits mainly of state institutions.

On the third day, the question of central control of material and personnel was considered.

Mr. Merriam of the Bureau of Government Research outlined the general problems involved. He called attention to the Canadian system, where the civil service commission selects the person to be employed and the executive has no choice. Promotion also is a com-

mission matter and in theory the executive has no power. In practice, however, the executive's wishes are usually followed. The system is supported by efficiency ratings.

Under the United States system the executive makes promotions and notifies the commission. Promotions made out of the usual order, however, must be approved by the commission.

The question was raised as to what authority should control questions of classification with reference to salaries and allowances,—the budget bureau or the civil service commission? It was pointed out that there were two separate problems: (1) job analysis, the description of duties and classification, titles and sub-titles, and (2) maximum allowances within the appropriation.

After some discussion it was voted that the Round Table on Public Administration be continued and Mr. Willoughby was elected chairman and Professor Fairlie as secretary for the next year.

DARRELL H. SMITH, *Secretary.*

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

EDITED BY FREDERIC A. OGG

University of Wisconsin

Uncertainty about the outcome of a proposal for a joint meeting of the American Political Science Association and the New York Academy of Political Science makes it impossible to announce at this time where the next meeting of the Political Science Association will be held. Members will receive a postal card announcement as soon as the Executive Council is in a position to take final action.

Professor Parker T. Moon, of Columbia University, has been transferred from the department of history to the department of public law, as assistant professor of international relations.

Dr. Percy M. Baldwin, who completed his graduate work at the University of California last year, is now professor of history and government in the New Mexico College of Agriculture and Mechanical Arts.

Dr. Charles C. Thach, Jr., associate in history and political science at Johns Hopkins University, has resigned to accept a position as assistant professor of political science in New York University, Washington Square College.

Hon. Robert Luce, member of Congress and author of recent works on legislative organization and procedure, delivered the Godkin lectures at Harvard University in March, on the subject of congressional government.

Dr. C. O. Gardiner, of the University of Cincinnati, is studying in Washington. During his absence his courses in constitutional law are being conducted by Mr. Lawrence Lytle.

Dr. Leo S. Rowe, director general of the Pan American Union, returned to Washington in February from the third Pan-American Scientific Congress at Lima, which he attended as chairman of the delegation of the United States.

Professor Albert Bushnell Hart, on leave of absence from Harvard University during the second half of the year, lectured at the University of Illinois, the University of Wisconsin, and other western institutions during the spring.

Dr. Herman Finer, of the London School of Economics and Political Science, spent the first half of the current academic year at the Brookings Graduate School in Washington and subsequently visited various universities throughout the country.

Mr. Charles Cheney Hyde, who retired from the office of solicitor of the state department on March 4, has been appointed Hamilton Fish professor of international law at Columbia University. Mr. Hyde succeeds Hon. John Bassett Moore, who, after more than thirty years of service in the university, retired last year in order to devote his time to his duties as American member of the Permanent Court of International Justice at the Hague.

Mr. Philip Jessup, formerly of the solicitor's office in the state department, has been appointed lecturer in international law at Columbia.

Professor Herman G. James has resigned from the University of Texas in order to accept the dual position of dean of the college of liberal arts and chairman of the department of political science at the University of Nebraska.

Professor E. M. Borchard, of the Yale University law school, will lecture on American constitutional law at the University of Berlin during the summer term.

Under the auspices of the bureau of municipal affairs of Norwich University, an Institute of Municipal Affairs was held at Montpelier, Vermont, on February 18 and 19. Among topics given special consideration were the manager plan of city government, debt legislation and financing of public improvements, and municipal planning.

The bureau of municipal affairs was established within the department of political science at Norwich in 1921, for the purpose of giving assistance to cities, towns, and villages in the solution of problems peculiar to municipal corporations.

Announcement was made late in February of the establishment of the John Simon Guggenheim Memorial Foundation, the object of which is to provide fellowships for advanced study abroad in all fields of learning. The first awards will be made for the academic year 1926-27, and it is the purpose of the foundation after the first year to maintain annually from forty to fifty fellows abroad. The stipend will be approximately \$2500 a year, and it is expected that the appointees will include younger instructors and professors on sabbatical leave. The foundation is to be managed by a board of trustees, advised by an educational board of which President Frank Aydelotte, of Swarthmore College, is chairman.

The semi-annual meeting of the Academy of Political Science in the City of New York, held on March 9, was devoted to consideration of the general subject "Popular Ownership of Property; Its Newer Forms and Social Consequences." Topics on which numerous addresses were made or papers read were "trades unions and coöperative ownership with reference to employee participation in ownership;" "custom ownership and the small investor;" and "the new proprietorship and its effects."

The twenty-ninth annual meeting of the American Academy of Political and Social Science will be held at Philadelphia on May 15 and 16. The general subject for consideration is American policy and international security. Sessions have been planned on the operation of the Dawes plan, war debts as a menace to international peace, the possibilities of disarmament, foreign investments and international peace, the outlawry of war, and the question whether the feeling of insecurity in Europe can be eliminated without the coöperation of the United States.

The fifth annual Western School for Commercial Executives is to be held under the joint auspices of the California Association of Commercial Secretaries and the department of political science of Stanford University, July 5 to 11, 1925, at Stanford. Prof. E. A. Cottrell is

dean of the school and on the staff are Colvin Brown and William Harper Dean, of the United States Chamber of Commerce, and Charles H. Cheney, city planning expert. Prof. Cottrell has been appointed acting professor for the summer quarter at the University of Washington, and will give courses in administration and state and local government.

Oberlin College has called to the department of political science for next year Dr. Oscar Jaszi, one of the most eminent mid-European scholars in the field of social and political science. Mr. Jaszi, a native of Hungary, was a leader in the educational and political reform movements prior to the war, and was a member of the Karolyi cabinet during the brief interval between the Bolshevik reign of terror and the present reactionary régime. While professor of political and social science in the University of Budapest, he founded and edited the leading political science journal in Hungary, and was also the founder of a society in Hungary somewhat similar in purpose and importance to the Fabian Society in England. He is the author of numerous works on social science and on present and recent European politics. Two years ago he made a tour of America, lecturing in colleges and universities. At Oberlin he will take charge of some of the courses in European politics now given by Professor Geiser and will add a new course on the social theory of the state.

The nineteenth annual meeting of the American Society of International Law was held at Washington, April 23-25. Among addresses given was an illustrated talk on the life and work of Grotius by Professor J. S. Reeves, of the University of Michigan. Other principal items on the program included an address on the codification of international law in America, by Dr. James Brown Scott; discussions of nationality by birth and naturalization, by Messrs. Green H. Hackworth and Richard W. Flournoy, of the Department of State; and papers on the limitations upon the initiation of military action and upon the initiation of war, by Hon. David Jayne Hill, of Washington, and Mr. Thomas R. White, of the Philadelphia bar. The speakers announced for the annual dinner were Hon. Frank B. Kellogg, Secretary of State, and the Right Hon. Sir Esme Howard, British ambassador to the United States.

Among the lecturers invited to the second institute of the Norman Wait Harris Memorial Foundation, which will be held at the Uni-

versity of Chicago from June 30 to July 24, are Count Michimasa Soyeshima, member of the House of Peers of Japan, P. W. Kuo, president of Southeastern University, Shanghai, China, and H. G. W. Woodhead, C.B.R., editor of the *Peking and Tien Tsin Times*. The Institute will devote its attention to the Far East. Social, economic and political conditions in China and Japan, the influence of the occident upon the Far East, British policy in the Far East, and American relations with China and Japan, are among the subjects to be discussed. The University of Chicago is offering a number of courses on subjects relating to the Far East for the benefit of students, and round tables for discussion of particular topics will be organized for the specialists in the field attending the Institute lectures. Correspondence relating to the Institute may be addressed to Professor Quincy Wright, University of Chicago.

In May, 1923, Washington University, St. Louis, announced the establishment of a Graduate School of Economics and Government. A distinctive feature was a Residence Foundation in Washington, D. C., where advanced students could live together and bring their theses to completion. In May, 1924, the school was reorganized; it was definitely located in Washington; a two-year course of study was arranged; and the equivalent of a year of graduate work was made a condition of admission. As the school developed, it became increasingly clear that, because of distance, Washington University could exercise only nominal control; also that the school could better perform its work unhampered by any university connection. Accordingly, the board of directors of Washington University in November, 1924, relinquished all authority over it. In the same month it was incorporated under the laws of the District of Columbia as the Robert Brookings Graduate School of Economics and Government. The staff of the school in 1925-26 will include five men who will give all, or nearly all, of their time to the work; five or more consulting fellows; members of the Institute for Government Research and the Institute of Economics, who will give term courses; and other persons who will give short courses upon particular topics. It is announced that in October, 1925, the school will begin the publication of a journal.

The fifth annual meeting of the National Council for the Social Studies was held at Cincinnati on February 28. The formal part of the program was devoted to a discussion of social science courses in the high

schools, their relation to adult education, and the preparation of high school teachers of social studies. The chief point of interest to the political scientist was the standards for the teaching of the social studies in the high schools recommended at the business meeting: (1) the various branches of the social science should be organized in one department; (2) teachers in this department should have thirty per cent of their college training in the general field of social science and fifteen per cent in the particular branch in which they propose to teach; (3) in the preparation of any teacher of history, government, economics, or sociology, the minimum number of credits should be ten per cent of the total requirements for the bachelor's degree in educational subjects. The Council was opposed to the granting of "blanket" teacher's certificates which permit the holder to teach any high school subject, and favored the group certificate which confines the holder to a related group of subjects, e.g., history, government, economics, and sociology.

A meeting of the executive committee of the Social Science Research Council was held in Chicago on February 14 for the consideration of various projects relating to the scientific aspects of human migration and for other purposes. The Council's committee on fellowships met in Chicago on March 14 for the purpose of considering the applications for the new research fellowships for 1925-6. More than one hundred applications were received, and the awards were made at the annual meeting of the Council on April 4. The constituent members of the Social Science Research Council have been increased by the accession of the American Psychological Society and now include the American Political Science Association, the American Statistical Association, the American Sociological Society, the American Economic Association, and the American Psychological Society.

At its annual meeting in Chicago on April 4, the Social Science Research Council announced the appointment of the following fifteen scholars as research fellows of the Council for the year 1925-26, selected from a total of 108 applicants:

Luther Lee Bernard, Ph.D. Professor of Sociology, University of Minnesota. Problem: A study of the development of the social sciences in Argentina with special reference to the economic, political, and other cultural circumstances under which they were developed. Place of study: Argentina.

Charles Warren Everett, M.A. Instructor in Department of English

and Comparative Literature, Columbia University. Problem: Life of Jeremy Bentham and the editing of his unpublished manuscripts. Place of study: London.

Harold F. Gosnell, Ph.D. Instructor in Political Science, University of Chicago. Problem: Factors determining the extent of popular participation in elections in typical European states. Place of Study: Washington, D. C., England, France, Germany, Belgium.

Marcus Lee Hansen, Ph.D. Assistant Professor of History, Smith College. Problem: A basic study of the origins of the foreign elements in the settlement of the Upper Mississippi Valley. Place of study: Washington, Dublin, London, Geneva, Berlin, Hamburg, Bremen.

Joseph Pratt Harris, Ph.D. Instructor in Political Science, University of Wisconsin. Problem: Workings of election registration systems in the United States. Place of study: Headquarters at Chicago, field work throughout the country.

William Jaffee, Docteur en Droit. Tutor in French and Economics, College of the City of New York. Problem: The Industrial Revolution in France. Place of study: France.

Edgar W. Knight, Ph.D. Professor of Education, University of North Carolina. Problem: A study of the Folk high schools in Scandinavian countries, especially Denmark, Sweden and Finland. Place of study: Europe.

Simon S. Kuznets, M.A. Fellow in Economics, Columbia University. Problem: Secular trends in economic theory, their interrelations and their bearing upon cyclical fluctuations. Place of study: New York City.

Ross S. Malmud, M.A. Graduate student, Columbia University. Problem: The psychology of literary ability. Place of study: Columbia University, New York.

Thomas P. Martin, Ph.D. Associate Professor of American History, University of Texas. Problem: A study of Anglo-American relations as influenced by economic, political and social forces playing within and between the two peoples. Place of study: England.

Hutzel Metzger, M.S. Research Assistant, University of Minnesota. Problem: An analysis of the price of certain farm products, with a view to deriving information that will promote the better adjustment of agricultural production. Place of study: Minnesota.

Ernest E. Mowrer, Ph.D. Assistant Professor of Sociology, Ohio Wesleyan University. Problem: Family disorganization as a socially inherited behavior pattern. Place of study: Chicago.

Mrs. Mildred Dennett Mudgett, Ph.D. Assistant Professor of Sociology, University of Minnesota. Problem: Legislation affecting the pre-school child in certain European countries. Place of study: England, France, Italy, and Scandinavian countries.

Sterling Denhard Spero, Ph.D. Fellow, New School for Social Research. Problem: The position of the negro in industry. Place of study: Headquarters at New York. Field investigations.

Dorothy Swaine Thomas, Ph.D. Research Assistant, Federal Reserve Bank of New York. Problem: The economic factor in crime. Place of study: New York State.

The fellows will travel and study in the following countries: Argentina, England, Belgium, Germany, France, Italy, and Scandinavian countries of Denmark, Sweden, and Finland.

These are the first awards of the Social Science Research Council. Plans have been made to offer research fellowships annually for the following four years.

The following are the officers of the Council: President, Dr. Charles E. Merriam, University of Chicago; Vice-President, Dr. John R. Commons, University of Wisconsin; Secretary, Dr. Horace Secrist, Northwestern University; Treasurer, Dean E. E. Day, University of Michigan. The Council consists of twenty-one delegates elected three from each of the following national scientific societies: The American Economic Association, The American Political Science Association, The American Statistical Association, The American Sociological Society, The American Anthropological Association, The American Historical Association, and The American Psychological Association.

The Committee on Research Fellowships of the Council consists of Dr. Wesley C. Mitchell, Chairman, Professor of Economics, Columbia University; Dr. Charles E. Merriam, Professor of Political Science, University of Chicago; and Dr. F. Stuart Chapin, Secretary, Professor of Sociology, University of Minnesota.

The fifth session of the Institute of Politics will be held at Williamstown, Massachusetts, July 23 to August 22. The general lecture courses are to be: "Italy and the Mediterranean Area," by Count Antonio Cippico, of Rome; "Peace Problems of France," by Robert Masson, of Paris; and "The League of Nations," by Professor William E. Rappard, of Geneva. A general conference open to all members of the Institute and its instructional and administrative staffs will be conducted by Mr. Lionel Curtis, of Oxford University, on "The Com-

monwealth of Nations," and another by Professor George H. Blakeslee, of Clark University, on "The Recent Foreign Policy of the United States." Regular round table conferences, meeting three times a week during the session and limited to duly enrolled members, will be as follows: "International Justice," Professor Phillip M. Brown, of Princeton University; "Agricultural and Population Increase," Professor Edward M. East, of Harvard University; "Economic Recovery of Europe," Professor Edwin F. Gay, Harvard University; "International Aspects of Natural Resources," Professor Charles K. Leith, University of Wisconsin; "Problems of Armament," Sir Frederick Maurice, of London; "Outstanding Problems in Inter-American Relations," Dr. Leo S. Rowe, Washington, D. C.; "Some Political Problems in Europe," Professor Bernadotte Schmidt, University of Chicago; and "The Mediterranean Area," Professor Arnold Toynbee, University of London.

The executive committee of the National Conference on the Science of Politics announces that the next meeting of the Conference will be held at New York City under the joint auspices of Columbia University and the National Institute of Public Administration, September 7-11.

The program of round tables includes the following:

Round Table I. Politics and Psychology: Experimental Methods of Studying Public Opinion, L. L. Thurstone.

Round Table II. Personnel Problem: William E. Mosher, managing director, School of Citizenship and Public Affairs, Syracuse University.

Round Table III. Public Finance: State Supervision of Local Finance, John A. Fairlie, professor of political science, University of Illinois.

Round Table IV. Legislation: The Delegation of Discretion to Administrative Agencies, H. W. Dodds, editor of the *National Municipal Review*.

Round Table V. Political Parties: (Leader and sub-title to be announced later).

Round Table VI. Constitutional Law: Determination of Methods for Ascertaining the Factors that Influence Judicial Decision in Cases Involving Due Process of Law, Arnold Bennett Hall, professor of political science, University of Wisconsin.

Round Table VII. Nominating Methods: The Development of a Technique for Testing the Usefulness of a Nominating Method, Victor J. West, professor of political science, Stanford University.

Round Table VIII. International Organization: International Commercial Development and the Consular System, Pitman B. Potter, associate professor of political science, University of Wisconsin.

Round Table IX. Municipal Administration: Research, Luther Gulick, director, National Institute of Public Administration.

Round Table X. Regional Planning: Shelby M. Harrison, director, Department of Surveys and Exhibits, Russell Sage Foundation.

The local committee on arrangements consists of Raymond Moley, chairman, Howard Lee McBain, Luther Gulick, Schuyler C. Wallace, John J. Coss, and Joseph McGoldrick, secretary. The committee promises a very interesting program of entertainment supplementing the work of the Conference. Columbia University will make ample provision for the accommodation of the Conference and its members. Housing accommodations for the men of the Conference will be provided in Hartley Hall. Rooms can be secured for \$1.50 a day. The women of the Conference will be housed in Johnson Hall, the new fourteen-story dormitory for graduate women. The Faculty Club, adjoining Johnson Hall and one block from Philosophy Hall, will extend its hospitality to the members of the Conference. Breakfast will be served there a la carte, luncheon sixty cents, and dinner one dollar. The general rooms of the Club, including the lounge, card room, and billiard room, will be at the disposal of the men of the Conference. The women will have extended to them the privileges of the Women's Faculty Club in Johnson Hall. The tennis courts of the University will be available for the use of the members of the Conference.

The directors of the round tables will issue agenda for the work of their groups. These will be sent to the members early in the spring in order that ample opportunity may be afforded for preliminary work in preparation for the Conference.

BOOK REVIEWS

EDITED BY W. B. MUNRO AND A. C. HANFORD

Harvard University

Ethics and Some Modern World Problems. By WILLIAM McDUGALL.
(New York: G. P. Putnam's Sons. 1924. Pp. xii, 256.)

Conditions of National Success. By HUGH TAYLOR. (New York:
D. Appleton and Company. 1924. Pp. viii, 351.)

Democracy and Leadership. By IRVING BABBITT. (Boston and
New York: Houghton Mifflin Company. 1924. Pp. 349.)

Culture and Democracy in the United States. By HORACE M. KALLEN.
(New York: Boni and Liveright. 1924. Pp. 347.)

Here are four authors who figure more or less considerably in the thought of the time, all bent upon making democracy safe for the world in their respective spheres and in their several fashions. Mr. McDougall is all for a recognition of the need of tempering the universal ethic of religion by recognizing the legitimate rôle of the nation as a psychic or moral organism, and its consequent claim to an ethic of its own. Something of the same theme occupies Mr. Taylor. He wishes to determine the proper compromise between an eternal dualism of forces, reason and religion, order and energy, aristocracy and democracy, that will assure the conditions of national success.

Mr. Babbitt, too, is interested in the critique of democracy from an ethical point of view and deplores its lack of standards and leaders. But his appeal is away from the manipulation of social forces, whether through the immigration barriers, eugenics, birth-control, and intelligence tests of Mr. McDougall, or through the balanced compromise of coalition government to which Mr. Taylor looks for salvation. Mr. Babbitt places small reliance on mechanisms or external social arrangements, although he does term his book a defense of the veto power; he has faith only in a cultural salvation, in a return to a real humanism that will clarify the standards of value which individuals must apply in a democracy if "social forces" are not to be used in a sort of effort to lift humanity by its own boot-straps.

From the culture of this humanism it is something of a step to that of Mr. Kallen which is distinctly of the "newer" type. Mr. Kallen

himself describes his point of view as "cultural pluralism," and admits his philosophical indebtedness to the pragmatism of James and Dewey, particularly James. It is directly aimed at the assumption of social psychologists like McDougall that it is possible to postulate cultural superiority for a given race or nation; and at the humanism of writers like Babbitt who think it possible to erect standards of values by critically taking thought about the relations of philosophy and social institutions. Mr. Kallen belongs to the new "humanists" who reduce human nature to "attitudes," "emotions," and economic "actualities," and accept Whitman's gospel of value.

All four enter into the controversial realms of social psychology, with a wide divergence in both premises and conclusions; so that the reviewer hopes to be pardoned the inevitable reflection of his own *parti pris*. For instance, if one accepts Mr. McDougall's ideas of a group mind, one is no doubt committed to as many "ethics" (in the sense proper to social psychology) as there are group minds in which one has become a functioning member. There seems no valid reason to stop with the dualism between national ethics and universal ethics. What of trade-union or professional ethics? What of church ethics, not as a matter of universalizing values within a religion like Christianity, but of differentiating and choosing values in conformity with the infinite variety of sects. The idea of the group mind plays into the hands of pluralists, rather than into those of dualists or monists, culturally as well as politically. But then one need not accept the psychology of the group mind.

It remains to be said that McDougall's estimate of the nation as the most important summary of individuals into a purposive system seems valid under contemporary conditions. Practical ethics are not susceptible, perhaps, of the simple synthesis that is the nation in McDougall's fashion. Yet men's loyalty is demonstrably more firmly attached to the nation than to any other unit, and conventional morality, or the group-imposed *ethos* that he calls national ethics does warp men's lives to conformity—no matter what the religious or universal ethics be.

For students of politics the most suggestive parts of Mr. McDougall's book are those in which he applies his ideas of ethics to political problems: Universal ethics means ultra-democracy; national ethics implies natural aristocracy. Apparently the latter is still to be obtained by sending the best men to parliament and leaving things to them—as the group mind indicated. In the face of the concerted admission

among political scientists of the breakdown of parliamentarism, if ever it really existed on the plane Burke held up to the electors of Bristol, that is hardly more than a pious wish; for parliaments are the creatures of the times; if members have become mere delegates, it is hardly through their own desire to renounce their power.

Still, as a matter of *ought*, not *is*, Mr. McDougall may have the right of it. Perhaps he is right, too, in suggesting that Internationalism is to be preferred to Cosmopolitanism, and that preoccupation with questions of national ethics in world problems may force a better type of representation and allow a freer scope to representatives. These, however, are matters of opinion. They do not justify such a title as the Appendix carries: "Outline of the One and Only Practicable plan for Bringing About the Disarmament of Nations and the Reign of International Justice." His proposals are in good earnest, though, and Mr. N. D. Hirsch, his collaborator, deserves congratulations for his share in thinking out a proposal, which, whatever its faults, is marked by the freshness and brilliance Mr. McDougall always has. Its program will no doubt be a little startling to those who have taken Mr. McDougall's defense of a national ethics seriously, for the proposal involves the control of the air and of all aerial transport by an "International Authority."

The unreality of sociological a-priorism hovers over Mr. Taylor's *Conditions of National Success*, in spite of the "scientific" case which he gives his generalizations. Many of these seem hardly more than obvious truisms. But he reasons, from the conclusion that a working compromise between liberalism and conservatism is a necessity to government, to the further specific proposition that coalition government, still more specifically Mr. Lloyd George's coalition government, is the best possible government under modern conditions because it contains enshrined in itself the perpetual principle of such a compromise.

Mr. Taylor starts from the almost dogmatic assertion of the "fact" that the "individual may more properly be regarded as the creature of the social organism." In spite of proceeding along such dangerous lines, however, he manages to say a great deal about the conditions of national success that is really valid and to the point, if one interprets national success as Mr. Taylor does to mean national survival. In these terms, the condition of national success lies primarily in the subordination of the individual to the national organism. Secondly, the functioning of that organism is made smoother if neither extreme

of the opposing forces in national life extinguishes the other: an Aristotelian balance between religion and reason, ethical education and scientific education, absolutism and democracy, conservatism and liberalism, and so forth.

Mr. Babbitt is, by common consent, one of the few first-rate critical minds in our academic ranks. Anything that he writes is apt to be of some distinction in matter and treatment—and *Democracy and Leadership* is no exception. What presently concerns Mr. Babbitt is the sequel, one might say, of the philosophic trend remarked in his earlier book on *Rousseau and Romanticism*: sentimentalism and utilitarianism enthroned as the philosophy of democracy; the consequent loss of the critical edge from our standards of values; the loss of the humility that goes with a real humanism.

He has chosen Rousseau as his protagonist in the mighty struggle of democracy against Burke, because Rousseau gave to the rationalistic doctrine of the rights of man the drive it lacked in Voltaire, or Godwin (whom Mr. Babbitt hardly mentions, though he was an influence on the times as important to the English contemporaries of Burke as Rousseau himself). One might also wish fuller justice for Tom Paine.

Mr. Babbitt is the apostle of the moral will of a rightly conceived Puritanism—what Bergson would call a *frein vital*, or a brake on doing. At times, when he considers the shortcomings of democracy in this respect, he loses his urbanity and becomes a little too strident for the true humanist in denouncing the "decadent imperialism" toward which we are headed. On the negative side his criticisms are very much like those of Sellière and Spengler. He does not, as Oswald Spengler does, believe we are headed there inevitably. His whole cry is for brakes! brakes! to stop the downward slip—and the brakes of any civilization are standards. But he is as pessimistic as McDougall about the state of the Union, and with as reformatory intent.

There is so much wisdom in Mr. Babbitt's book that criticism is an unpleasant task. Yet it is hard to escape the conclusion that the times, be they never so out of joint, are not to be set right by crying out "Oh cursed spite!" The morally responsible individual, one may agree, is the last hope; but his ears are deaf to mere exhortation when he is too busy to listen. The need "to develop a little moral gravity and intellectual seriousness" is a real one. But it is no more to be filled by renouncing Rousseau in favor of humanism, than the cause of that need is to be found in Rousseauism. The mills of the gods grind other forces than ideas. One must cope with all of them.

As for the veto-power which Mr. Babbitt defends—that depends upon the use to which it is put. By what standard, say, shall we measure its use in indiscriminate injunctions, and judicial absolutism? Only by their fruits, I take it. Mr. Babbitt says that the “forward-looking” professors in law schools who are preaching “social justice” are “boring from within,” for “social justice . . . means in practice class justice, class justice means class war and class war, if we are to go by all the experience of the past and present, means hell” (p. 308). To the reviewer that smacks a little too much of the later Burke to command the respect one usually owes Mr. Babbitt’s opinions.

This is no place to discuss the two appendices, which, philosophically, contain the meat of the book: “Theories of the Will,” and “Absolute Sovereignty.” They make Mr. Babbitt’s case or break it, and are worth reading, as is the whole book.

Whether Mr. Kallen’s book is equally worth reading will depend so largely on point of view that one can only offer it for approval. *Culture and Democracy* is very much in the tone and style of Mr. Kallen’s other writings in the various journals from which several of the essays were taken. They are all bound together by the thread of the immigration problem, and are adventures in what Mr. Kallen terms “cultural pluralism.” If Mr. McDougall and Mr. Babbitt are good Tories in their predispositions, Mr. Kallen is an equally good Radical. His chief bogey is a “Kultur Klux Klan” which will succeed in “Americanizing” all the various cultures contributed to America into “A kind of Rooseveltian *massenmensch*.” He is convinced that there is a real culture in the United States, the product of “variation of racial groups and individual character.” It is a culture which will be lost if we succeed in stamping all our citizens with the meaningless die of “100%ism.” “The Meaning of Americanism” is, all told, a very fine essay, written with a restraint and dignity not found in the other chapters. In the latter chapters it is the tone rather than the matter that one might criticize.

W. Y. ELLIOTT.

University of California.

The Story of the Empire. By SIR CHARLES LUCAS. (New York: Henry Holt and Company. 1924. Pp. xvi, 286.)

The Constitution, Administration and Laws of the Empire. By A. BERRIEDALE KEITH. (New York: Henry Holt and Company. 1924. Pp. xxii, 355.)

The Resources of the Empire and Their Development. By EVANS LEWIN. (New York: Henry Holt and Company. 1924. Pp. xviii, 364.)
Health Problems of the Empire, Past, Present and Future. By ANDREW BALFOUR and H. H. SCOTT. (New York: Henry Holt and Company. 1924. Pp. xxii, 413.)

These four volumes are the first of a series of twelve designed by the editor, Hugh Gunn, as a comprehensive survey of the British Empire of to-day. In some measure, the enterprise is a literary by-product of the British Empire Exhibition at Wembley. The editor has been fortunate in enlisting the services of men who both know their subject and know how to write. Each volume is self-contained, but coördinated in a comprehensive stock-taking.

Sir Charles Lucas, with ripe experience as historian and administrator, tells again the story of the Empire's growth. He begins by recounting the preparation of the little North Sea island for its task of empire, how its people were disciplined and its government consolidated, how its trade expanded and its ships fared forth to far seas. Then from this core he traces the territorial expansion of the Empire and the experiments in political relationship down to the present time. Like many others since Seeley, Sir Charles omits or subordinates all other influences on the shaping of the overseas dominions and colonies: it is a story of how one "island has widened into a quarter of the globe," of "an island which has been the source of it all." There is undoubtedly a great measure of truth and of romantic interest in this conception; it gives unity to the treatment, but it is only a part of the truth: from India to Ireland, from America to Africa, there have been other sources, other backgrounds, than this insular source. Aside from this question as to point of view, there is little in the record to which exception could be taken, and much to acknowledge gratefully. Sir Charles has an eye for the essential, a range of mastered knowledge, a fairness in judgment, and a pithy, vigorous style, which give the reader passing pleasure and lasting understanding.

Professor Keith has faced a harder task. He has had to deal with the present, not with the past, of an organization still in rapid flux, and to include in one volume studies in international law and comparative government as well as in internal political structure. The surveys of the internal workings of the several governments of the Empire are close-packed and well-balanced. More controversial are the sections dealing with inter-imperial relations and international

status. Mr. Keith is insistent that, however far dominion autonomy has proceeded, the British Empire is still a single international unit, and that the British government exercises ultimate power and responsibility in all foreign affairs. This unity, he states, has been largely lost in the distinct representation and action of the dominions in the League of Nations, but remains in all other relations. To sustain this latter contention, Mr. Keith endeavors to explain away the action of Canada and the resolution of the Imperial Conference of 1923 as to separate signature and ratification of treaties. The recent Canadian treaties and conventions with the United States and Belgium are not drawn with "the British Empire" as one of the high contracting parties, but with "His Britannic Majesty, in respect of the Dominion of Canada": the United States Senate rider to the Halibut Treaty, designed to bind all parts of the Empire, was dropped when the treaty was ratified in 1924. Mr. Keith's most insistent contention, that in last analysis the British government holds the power and responsibility of deciding whether full powers shall be issued for signature or ratification of a treaty covering a dominion, is not endorsed by responsible authorities: the Canadian Prime Minister stated, in a House of Commons debate on March 21, 1924, that it was definitely understood in the last Imperial Conference that British ministers in such case serve only as a channel of communication and that the responsibility for the advice rests with the dominion ministers who tender it.

The other two volumes of the series which have appeared are of less general appeal to students of politics, but they fill distinct gaps in the literature of imperial problems. The Librarian of the Royal Colonial Institute has given a well-balanced summary of the resources of the Empire and the trends in present development, with many constructive suggestions for further utilization. Dr. Balfour and Dr. Scott, of the London School of Hygiene and Tropical Medicine, have broken newer ground, as far as popular discussion goes, in their account of the "great drama, an outline of public health history in its relation to the British Empire." What diseases may be said to be "imperial" because of their range and danger, how a health conscience has evolved and found expression in campaigns of sanitation, what yet remains to be done, are recounted with vigor and sanity, in a way to interest every student of the concrete problems of administration.

O. D. SKELTON.

Ottawa, Canada.

Germany in Transition. By HERBERT KRAUS. (Chicago: University of Chicago Press. 1924. Pp. xi, 236.)

Germany's Constitutions of 1871 and 1919. By OTIS H. FISK. (Cincinnati: The Court Index Press. 1924. Pp. vi, 292.)

The lack of accessible and authentic guidebooks in English to the complexities of German political development has left American students of republican Germany somewhat at a loss in any endeavor to interpret the maze of cross-currents affecting the fortunes of the new Reich. The two volumes under review are material and scholarly contributions toward much-needed understanding. In the first the author endeavors to analyze the German mind and calculate, from intimate comprehension, the imponderable forces affecting his countrymen; the second work approaches the new Reich and its constitution in comparison and contrast with their legal forebears, seeking to trace objectively the course of constitutional doctrines.

Professor Kraus's book embodies the lectures delivered in 1924 at the University of Chicago on the Harris Foundation. In consonance with the aim of the Foundation "to give accurate information, not to propagate opinion" the author, after a trenchant analysis of political and social cross-currents in Germany, endeavors with frankness to set forth the German point of view on reparations, the League of Nations, self-determination, the Weimar Constitution and states' rights. "*Je ne propose rien, je ne suppose rien, j'expose*" is his motto, and in general he adheres to this purpose, despite many temptations to digress upon controversial subjects. The author's social-psychological method of dissecting the complex phenomena of German life tends at times to abstruseness, as in his discussion of nationalism, internationalism and universalism (pp. 75-82); but when on firmer legal ground, as, for example, in regard to the theory of reparations (pp. 33-43) and on Germany's attitude toward arbitration (pp. 97-102), he speaks with both authority and clearness. His analysis of party tendencies at the height of the Hitler movement is peculiarly informing, while his clear-cut distinctions between the federalistic and separatistic tendencies of various portions of the Reich are illuminating.

The Weimar Constitution, Professor Kraus holds, was almost completely independent of concrete foreign examples, although it is "a rather patched covering, the cut of which was to a great extent dictated by outside factors." This somewhat paradoxical statement is amplified to show that the joint influence of the draft constitution of the Frankfurt Parliament and the old *Reichsverfassung* far outweighed

any extraneous political ideas, but that the application of many far-reaching principles proposed at Weimar was seriously curtailed by the Treaty of Versailles and pressure applied by the Allied governments. Despite the defects which party compromises produced in the constitution, particularly in the Bill of Rights and the distribution of authority between Reich and Länder, which has led to "suicidal" separatist tendencies, Dr. Kraus holds that "if the German people were asked today the question of whether the Weimar Constitution should be fundamentally altered or abolished, the majority would probably answer 'No'" (p. 185).

The service performed by Mr. Fisk's comparative study of the old and new Reich constitutions lies not merely in placing them in juxtaposition, with ample annotation and full introductions to each; the distinctive feature of his contribution is its comparative analysis of the Preuss draft, the Government draft, and the amended committee versions of the new document. His unique "Parallelograph" with its schematic cross-reference tables permits ready discovery of the authorship of the various parts of the Constitution, and of the development of the document through its successive drafts. For this highly developed technique students of comparative constitutional law should be deeply grateful. Mr. Fisk's endeavors at meticulous translation, "mirroring the expressed thoughts of the original writer," are of necessity somewhat labored, but his choice of source materials is in general sound and his excerpts from eminent German authorities on both constitutions of high value. Mr. Fisk modestly disclaims authority as a historian, but has achieved a succinct and valuable account of German constitutional development, particularly during the critical interregnum between the downfall of the old Reich and the establishment of constitutional democracy at Weimar.

MALBONE W. GRAHAM.

University of California, Southern Branch.

Problems of Citizenship. By HAYES BAKER-CROTHERS and RUTH ALLISON HUDNUT. (New York: Henry Holt and Company. 1924. Pp. xiv, 514.)

The "cult of incompetence" as a synonym for democracy has not had wide acceptance or usage among American educators. On the contrary, in keeping with the American tradition that the citizen is omniscient or nearly so, they have accepted the responsibility for bringing the rising generation to such a level. This is true not only

of primary education but is emphasized in secondary and university education. The normal test of fitness for citizenship consists of such very uncritical requirements as the accident of birth and the recognition of jurisdiction, and in most cases the latter is assumed without declaration. The participation of the citizen is conditioned on the legal side by age, residence, and other formal requirements. In some cases there is added to these the educational requirement of ability to read and write, a test which represents a very low standard in terms of formal training. As a people we have not given much serious consideration to the question of whether the citizen has any vital relation to the state, unless it be in connection with the problem of defense, in which case the individual often finds himself willy-nilly subject to controls of whose existence he has not been previously conscious. The boy of eighteen, who as a citizen is a subject of the draft, is still three years short of being entrusted with any opportunity for partaking in the formulation of public policy. Whether the recent interest in citizen training is the aftermath of doubts and fears generated during the course of the World War, or whether it comes from a genuine recognition of the fact that heretofore no thorough-going approach to the question of citizenship has been attempted and it is therefore now desirable to begin it, serious thought and effort is now being devoted to a study of the whole field of citizenship.

At the very outset it would seem as though this would imply some scientific approach toward the concept and its definition. It is the weakness of much of the present efforts being expended in the field, and likewise of much of the teaching in the field of civics and political science, that the American tradition of the omniscient citizen is not challenged and subjected to scientific analysis. Viewed in the light of the tradition, the present volume is an excellent contribution to a rapidly developing literature. The assumption is that a study of the various problems indicated within its scope, namely, the problem of the newspaper, of immigration, the negro, the feminist movement, industry, civil liberty, international relations, and of war and peace, will qualify the student to function intelligently as a citizen. This may or may not be a sound assumption, but it is the one upon which most efforts in this field are now proceeding. It is fair, however, to inquire whether the assumption itself ought not to come under scrutiny.

Proceeding from the assumption on which this volume starts, one must recognize the difficult question which faced the authors as to what to include and what to leave out. For example, in the field of

real politics the following forces would seem to warrant some consideration: organized propaganda, political tradition, the sources of political controls, the decline of representative institutions, and education. It might be well, for example, for a student to consider what proportion of the social income might have to be expended in order to produce an intelligent body of citizens. One educator who has thought ahead in this direction suggests that it will require the entire surplus of the social income, in which case we have hardly made a beginning. Still the field is so large that it is difficult to quarrel with emphasis.

One must admire the industry and craftsmanship of the authors of *Problems of Citizenship*. In a field so ill-defined the work will be very useful to many who are now struggling with the problem and to whom the experience of the authors is thus made available. The book makes no contribution to the definition of what that problem is, except by inference. The time is not far off when experience will force us back upon the physiological and psychological bases from which we must start, as well as the legal ones now used as the point of departure. Perhaps in the end we will find that different degrees and different kinds of citizenship, adapted to the capacity and ability of the individual citizen, will be desirable. The first problem of citizenship may be the citizen. One suspects, too, that a new technique will have to be developed in order to call forth the power to discriminate between logical and illogical choices, to immunize against directing the citizen, so-called, into channels that are not politically and socially useful.

RUSSELL M. STORY.

Syracuse University.

Farmers and Workers in American Politics. By STUART A. RICE. (New York: Longmans, Green and Company. 1924. Pp. 231.)

Professor Rice of Dartmouth College calls his study of the question of coöperation between farmers and laborers "behavioristic." But no one need thereby be frightened away from his thoroughly realistic treatment of the most orthodox of data—the Census returns and legislative roll-calls. The first part of his monograph is deductive, an analysis of economic, cultural and psychological backgrounds of the two groups, with an estimate of the way these and similar factors affect the political attitudes of the "average member" of these groups. The second part is inductive, a statistical measurement of farmer-labor alliance (or opposition) in national and state elections, and in Congress and a number of state legislatures.

The author has carried forward another stage President Lowell's study of the influence of party on legislation, in order to make, if possible, an estimate of the influence of group interests on the characteristic behavior of the representatives of these interests. Not only do we want to know that party lines are not tightly drawn in this country, but why they are not, and how we can forecast the probable attitudes of group leaders on specific questions.

There is not space in this brief review to indicate more than the broadest aspects of the author's method or his conclusions. He has analyzed 95,000 individual votes (including those of 98 labor and 259 farmer legislators) in 21 state legislatures during 1057 roll-calls, and numerous votes in Congress, besides the results of the 1920 elections in considerable detail. Throughout there are evidences of careful workmanship—the "criteria" used in defining terms such as farmer and worker are given (Appendix A), and the statistical methods employed are explained (p. 54, etc.). The "correlations" of insurgency with economic conditions and emotional attitudes are searching and suggestive; Professor Rice has made a good case for his theory of political "culture areas." "In comparing the political behavior of farmers and industrial workers, greater differences of opinion may be found within each class, when comparisons are made geographically than between the two classes when comparisons are made in the same limited geographical area. The concept of culture areas enables us to make use of data of this character, for a constant relationship between the two classes in the same area is of more significance than a constant approximation of the views of each class to a fixed type of opinion." (p. 182).

Professor Rice has supplied us with a psychological chart, carefully buoyed by the twenty-seven tables which mark the channels of investigation which he has followed, and equipped with sailing directions for future voyagers—the results of his own soundings. Here is one typical of others as significant, "Thus it appears that farmers and workingmen are least in agreement upon questions which evoke traditional sentiments and emotions regarding moral standards. They are less in disagreement, or even in some degree of agreement, upon questions which are more likely to be solved on rationalistic grounds, or which involve a calculation of self-interest" (p. 214). Let us have more charts like this one as aids to a scientific understanding of the group-ways of our Great Society.

PHILLIPS BRADLEY.

Wellesley College.

The Evolution of American Political Parties. By EDGAR E. ROBINSON. (New York: Harcourt, Brace and Company. 1924. Pp. viii, 382.)

According to the subtitle this book is "A Sketch of Party Development." This secondary characterization is a good statement of the nature of this work. Professor Robinson's book is an attempt to trace the political history of the country as this is developed in the organized activities of political parties.

While in the main the traditional historical divisions of party development have been followed, other distinctive characterizations of various periods have been introduced. Consideration is given at the outset to the origins of American political practice in the divisions in public opinion during and after the Revolution. The accounts of the first party government, the development of the organizations and the failure of party government just before the war are particularly good. The struggles of the party leaders for the control of the organizations and the various phases of recent party development are also well presented.

The view of Rhodes that "the history of political parties is the civil history of the country" is modified by Professor Robinson. This book is accordingly not strictly a political history nor actually an account of all party activities with emphasis upon campaign utterances, beliefs of party groups and the conduct of leaders, "irrespective of their relation to well recognized party organizations." Party is used in the narrower sense as being identical with organization. The history of party activity is, therefore, an account of organized political effort. The party is regarded as the integrating factor in American life, as the motivating agency in the conduct of government.

The effort is made to trace the development of the party system as an organization. The purpose of the book is to show "the influence that party organization has had in the more inclusive history of the government" and to describe the "activities of the succession of comparatively small groups of men, who under the cover of various names, have continuously exercised or sought to exercise the governing powers of the nation."

If this book were regarded merely as a political history one might challenge the author's dismissal of the question of the Alien and Sedition laws in the election of 1800 with Channing's declaration that "it is impossible to trace any connection whatever" between them and the defeat of Adams. But leaving aside controversial subjects and regarding the book simply as a contribution to the literature of political

science one must say that it is an excellent piece of work. The task which the author has sought to accomplish has been well done. Too often texts on political parties give only perfunctory or inadequate attention to the historical development of parties. This book will form a splendid historical introduction to a more analytical study of the American party system.

CHARLES F. WEST.

Denison University.

National Party Platforms. By KIRK H. PORTER. (New York: Macmillan Company. 1924. Pp. xvi, 522.)

In his preface, Professor Porter admits the difficulty involved in determining what is a national party and what is a party platform. However, he does not show why the resolutions adopted by the ratification meeting of Whigs in 1848 constitute a platform, whereas the resolutions adopted by a ratification meeting of Democrats in 1832 do not; nor does he show why the resolutions adopted by the Socialist Labor party in May, 1924, constitute a platform, whereas the resolutions adopted by the Workers' Party of America the following July do not. The Workers' party actually polled a larger vote than the Socialist Labor party in the election. There may be a reason for these omissions, but less can be said in defense of the inaccurate texts of the 1924 platforms of the two major parties. The Republican party platform (as it appeared in the *Des Moines Capital*) is not complete and it contains one plank that does not appear in the official version. An index would be a valuable addition to this source-book. A very interesting supplement would be a compilation of some of the principal proposals that met defeat at the hands of the platform committees. Such a record would involve a tremendous amount of work. Professor Porter is to be commended for the care taken with the major portion of his compilation of the formal product of the resolutions committees.

HAROLD GOSNELL.

University of Chicago.

The Colonial Background of the American Revolution. By CHARLES M. ANDREWS. (New Haven: Yale University Press, 1924. Pp. x, 218.)

The Spirit of the American Revolution. By JOHN C. FITZPATRICK. (Boston: Houghton Mifflin Company, 1924. Pp. viii, 300.)

The book in which a veteran scholar of the colonial period seeks to generalize and synthesize from his accumulated learning can hardly fail to have a considerable significance. Such a book is Professor Andrews's *The Colonial Background of the American Revolution*, consisting of four essays of from forty to sixty pages each, which form, taken collectively, a study in the development of the relations of the colonies with the mother-country, and in the crisis of imperial statesmanship which is one of the dominant phases of the American Revolution. Professor Andrews insists throughout on the broad conception of his theme, regarding the relations of Britain with her colonies, not from the parochial or exclusively American standpoint, but as a story which can only be understood by understanding alike both England and America. The interpretation of both sides of the matter is, indeed, one of the most striking features of the volume.

Professor Andrews's conclusions are of necessity not very novel, but they have the force of solid scholarship behind them. With regard to the claim of Parliament to legislate for the colonies, he points out that that claim was never denied by the colonists until 1765, and was indeed frequently acquiesced in, whatever may have been the cogency of the legal argument against the exercise of such authority, so ably developed in the recent volume of Professor McIlwain. It was, he declares, the substitution for the mercantile viewpoint of the imperial viewpoint which brought about colonial revolt. The mercantile view was based on immediate profit and loss; the imperial view on the development of vast undeveloped regions, necessitating taxation of the colonies as a part of the process. When taxation came, the emphasis of the American radicals on constitutional theory made a settlement impossible, for, though on economic matters compromise might have been feasible, the second-rate British statesmen of the eighteenth century saw no course open to them but the maintenance of those constitutional claims on which the whole colonial system rested. The Revolution was developed out of the natural failure of a sophisticated, aristocratic governing class to understand the psychology of the frontier, and the aggressive individualism which it bred. The book closes with a renewed emphasis on the necessity of the broad viewpoint, the scientific historical viewpoint, in dealing with the vital story of the American Revolution.

Mr. Fitzpatrick's book is of a very different kind, whose title is far from descriptive of its contents. It consists of a series of brief articles, many of them chiefly of antiquarian interest, on such topics as "The

Bands of the Continental Army," "Washington's Headquarters in Seven States," and "The Post-Office of the Revolutionary War." The materials have been taken from the vast body of historical manuscripts in the Library of Congress, and often collected with the most painstaking care. There are many interesting details, but, unfortunately, details make up the whole volume. Of the deeper forces or of the color and life of the period, implied in the title, the book has very little.

DEXTER PERKINS.

Rochester University.

The Town Proprietors of the New England Colonies. By ROY HIDE-MICHI AKAGI. (Philadelphia: Press of the University of Pennsylvania. 1924. Pp. xiii, 348.)

The purpose of this study has been "to present an account of the development, organization, activities, and controversies of the proprietors of the New England towns" (p. 13). These groups—distinguished from the more familiar feudal-like rulers of the proprietary provinces—are defined as "the original grantees or purchasers of a tract of land, usually a township, which they and their heirs, assigns, or successors, together with those whom they chose to admit to their number, held in common ownership" (p. 3). Part I is devoted to the institutional aspects of these town proprietors,—the methods by which they acquired property; their internal organization, legal basis, membership and records; their territorial and political activities; and the controversies in which they were involved. Part II traces the effect of land speculation upon the proprietors of the eighteenth century, which, coupled with the influence of boundary disputes, the need of frontier defenses, and the general economic expansion of the century, was responsible for the creation of the later townships (p. 204). Such conditions compelled a departure from the "cautious and prudent policy" of the previous century, and a resulting change in the character of the proprietors to a speculative, heterogeneous type of absentee landlords. Incidentally, the effects of land speculation are shown upon the Great Proprietors,—principally the patentees under the Council for New England—and upon the revival of western claims by the various colonies.

The last chapter contains an admirable summary of the conclusions that the author has reached. He finds that the significance of the town proprietors arises mainly from the fact that they constituted a

land community as distinct from the political community. Because of this position they were the sole instruments in changing land titles from individual to collective ownership. While the town did participate in the control of the division of land in the early part of the seventeenth century, the "town," in its original inception, at least, was nothing but the propriety, and a town meeting was synonymous with a proprietor's meeting (p. 289). From this viewpoint the proprietors became the true "builders of towns" and were responsible for its institutions, protection and expansion. With this conclusion, the author emphasizes his theory as to the origin of the New England towns,—that they "were founded as a result of a simple business arrangement to meet the exigencies of the colonists amid the new environment" (p. 291). This appears to have been the viewpoint of Charles Francis Adams in his *Genesis of the Massachusetts Town*, although Mr. Akagi is apparently unwilling to follow Mr. Adams in his famous "charter theory." Indeed, he rightly dismisses, in addition, the theories of Germanic origin, the "primordial germ," and the English parish analogy on the basis that while they "may contain a truth of their own . . . they never adequately explained the real origin of New England towns" (p. 291). But while the importance of the proprietary system in determining the character of early local New England institutions would be generally admitted after an examination of Mr. Akagi's able analysis, the only question that might arise would be: Does it occupy,—independent of other elements—the predominant influence that the author appears to prescribe to it?

The book is a welcome contribution to the development of New England institutions. It is precise, readable, and scholarly. It contains thirty-eight pages of selected bibliography carefully presented.

JOHN F. SLY.

Framingham, Massachusetts.

The Genesis and Birth of the Federal Constitution. By J. A. C. CHANDLER, Editor. (New York: The Macmillan Company. 1924. Pp. xii, 397.)

In this volume Dr. J. A. C. Chandler, President of the College of William and Mary, has gathered and edited the addresses given before the first term of the Marshall-Wythe School of Citizenship of that institution, in 1921, by a number of well-known scholars and jurists, including Alton B. Parker, James Brown Scott, and James M. Beck.

As might be suspected from the title, the addresses in order show the reader how our federal constitution has its genesis deep in the political institutions and developments of the past, those of the Greeks, Romans, and Anglo-Saxons; and how it grows with the constitutional struggles in England culminating in the fall of the Stuarts. The reader is then figuratively transported to this side of the Atlantic, where he studies the colonial governments of Virginia and Massachusetts, and then sees the issues and influences working for the union of the colonies. The ensuing addresses contain discussions of the work of the continental congresses, of the articles of confederation, and of the several phases in the actual birth of the Constitution, concluding with the struggle for ratification. The final address by James M. Beck makes an appeal for the preservation of the Constitution.

In the appendix are biographical sketches of the two Virginia worthies for whom the school of citizenship is named, John Marshall and George Wythe. It is perhaps not generally known that George Wythe was the teacher of Marshall, Randolph, and Jefferson, the first professor of law in the United States, and the first Virginia signer of the Declaration of Independence.

The Genesis and Birth of the Federal Constitution is a worthwhile addition to the existing volume of literature on our framework of government. The addresses constitute separate tributes to that document, which, to use the words of Gladstone so frequently quoted by the several speakers, is "the most wonderful work ever struck off at a given time by the brain and purpose of man." The thought that will impress the reader, however, is not that the Constitution was "struck off," but that it has evolved through the centuries and will continue to do so as the years proceed.

The book is of value to the general reader, and will be especially helpful to the teacher who desires supplemental readings for courses in constitutional history and government.

ROBERT G. RICHARDS.

Lafayette College.

A History of the Public Land Policies. By BENJAMIN HORACE HIBBARD. (New York: The Macmillan Company, 1924. Pp. xix, 591.)

The story of the acquisition and disposal of the public domain is here told in a new volume of the Land Economics Series under the general editorship of Professor Richard T. Ely. It is a relatively full story,—as replete with specific details, tables, maps, and charts as space

permits. So pressing has been the need for condensation and so difficult has been the task of selection from voluminous original sources, that a steadfast adherence to the rigid plan has necessarily been attained at the expense of smooth transitions, vivacity of style, and the formulation of a readily-grasped general impression.

Two chapters suffice for a preliminary sketch of the problem, for definitions of terms, and for succinct historical summaries of the various additions to the public domain. So much is simple. Professor Hibbard's real problem begins with the account of the alienation of the domain under successive legislative acts. Some repetition is inevitable, whether each important law is presented section by section, or whether such chapter headings as The Credit System, Preemption Rights, Land for Internal Improvements, Land Grants for Education, The Homestead, Grazing the Public Domain, Mineral Lands,—and so on, are made the basis of classification. Professor Hibbard for the most part chooses the latter method.

The stone-barge of every topic stops at successive legislative quarries, takes on appropriate cargo at each, and eventually arrives—full-freighted—at the building site. There, under the tireless supervision of Professor Hibbard as master-builder and the skilful hands of a special seminar of journeymen, the solid and enduring edifice takes shape.

This brief figurative analogy inadequately characterizes the bulk of the work,—some twenty-five chapters closely packed with facts. Throughout this section the author pauses neither for expressions of his own opinion nor for illuminating subjective comment, though for the benefit of those unwilling or unable to bestow the close attention demanded by the full text he has appended to almost every chapter a brief résumé.

It is in a final chapter of generalization upon the basis of some five hundred pages of fact that Professor Hibbard comes really into his own. In retrospect he sees the frauds, the political maneuverings, the utter lack of any genuine land policy as after all inevitable,—as a price that had to be paid so long as the government used the public domain as “a political and economic balance wheel.” Constructively, Professor Hibbard suggests government aid to those homesteaders anxious to get off bad lands and out of a bad bargain; this being proposed not only as a method of agricultural relief and a device for avoiding overproduction, but also as a means of offsetting any further depletion of the public domain. Moreover, he urges the application of a scientific land policy even now to what remains and to what the govern-

ment may be able to buy back at small cost. Finally, there is the bibliography.

B. G. WHITMORE.

Tufts College.

Selected Readings in Municipal Problems. By JOSEPH WRIGHT. (Boston: Ginn and Company. 1925. Pp. xviii, 961.)

With this volume the publishers' well-known series of "Selections and Documents in Economics" definitely enters the field of political science as distinguished from economics and sociology. In gathering and organizing his materials the compiler, who is superintendent of the library for municipal research at Harvard University, gives us another illustration of the useful work that can be done in such special libraries. He has clearly aimed to make the present volume serve as a companion-piece to Professor Munro's *Municipal Government and Administration*. The first forty-four chapters of the readings correspond in order and in subject-matter with the forty-four chapters of Professor Munro's two volumes. The forty-fifth and last chapter of the readings contains two selections dealing with the city of today and tomorrow.

In what may be called a vertical sense, the readings are, like Professor Munro's now standard work, highly inclusive. After presenting a few introductory selections dealing with ancient and medieval cities, they take up the growth of cities, urban social problems, the relation of the city to the state, the law of municipal corporations, city charters, nominations, elections, parties and politics, the forms of city government, the council, the mayor, administrative machinery, the civil service, city-planning, highways, parks, water supply, and so on to finance. In a horizontal or geographical sense, however, the readings have a more limited scope. In the more than nine hundred and fifty pages of readings the student will find upwards of one hundred selections written by Americans and devoted primarily to American municipal problems, as against eight of a more general character written by English men and women (Bryce, Mrs. J. R. Green, Frederic Harrison, Macaulay, and Adam Smith), and one by an Italian (Lanciani) on the sanitary conditions of ancient Rome. There are no selections which deal with the modern municipal problems of any foreign land or city. It was undoubtedly wise to lay stress upon American municipal problems, but it would be well in future editions of this work to have the point of emphasis brought out in a sub-title.

The volume is properly styled a book of readings as distinguished from documents. No attempt has been made to include constitutional provisions, statutes, charters, ordinances, or official municipal reports. Extracts are printed from a series of judicial decisions illustrating the law of municipal liability for torts, and there are some seven or eight selections which may be classed as committee or commission reports. In the main, however, the material has been selected from the works of individual writers. One finds here such familiar names as Goodnow, Deming, Rowe, Beard, Lowell, McBain, Fosdick, Pound, Wilcox, and many others.

Where the range of choice is as wide as that offered by the writings on municipal problems, perhaps no two persons would agree as to what items should be included in a book of readings. It is no adverse criticism of either work to point out that, as nearly as we can ascertain the facts, there is not a single duplication of material between the selections in the volume now under review and those in the *Readings in Municipal Government* put out last year by Professor Maxey.

Mr. Wright's work in selecting and editing his materials has, we feel, been very well done. His volume preserves and makes readily available to students a wealth of material not previously easy to get at. Libraries, too, have need of such volumes of selections, and the specialist gives thanks for every book which puts his materials more nearly at his fingers' tips. A full table of contents and an adequate index enhance the value of the book.

WILLIAM ANDERSON.

University of Minnesota.

English Political Institutions: An Introductory Study. By J. A. R. MARRIOTT. (New York: Oxford University Press. 1925. Pp. lii, 351.)

When the first edition of this book was written in 1910 its author was a history don at Oxford. Since that time he has been honored by two constituencies with election to the House of Commons, and by a Conservative ministry with a knighthood. He has been closely in touch with the recent portion of his subject-matter. Yet the third edition of this book differs from the first only by the addition of an appendix containing the parliament act of 1911, and by an introductory chapter of thirty-five pages called "The Constitution in Transition" dealing with the years 1910-1924.

Naturally one expects to find the new chapter a well-balanced inter-

pretation. It is, however, ill-proportioned, and its Toryism is acute. About three pages are devoted to the "Constitutional Crisis of 1910-11"; the same amount of space is devoted to a eulogy of the crown, and to the "increasing importance of the crown as a 'golden link' "; and eight pages to the "Overseas Empire." The terms "Empire" and "Imperial Parliament" occur again and again, but "British Commonwealth of Nations" only when it is inevitable. A good deal of space is devoted to a critical account of recent, and perhaps passing, radical theories of government. Yet there is no recognition of the fact, probably of permanent importance, that there has been a Labor government; and there is no mention of the condition, apparently normal at present, of a House of Commons with three major parties instead of two.

In spite of the new chapter, this book still fulfils one of the author's original aims; it is still the best "introduction to the history of English Institutions." For Sir John Marriott's style is always remarkably clear and pleasant, and his usually copious information is arranged with a sense of neat proportion. But the book is rapidly ceasing to fulfil its second aim, to explain "the contemporary workings of the complicated constitutional machine." After all, of what value for this latter purpose is a volume in the index of which can be found "Laud" but not "League of Nations."

E. P. CHASE.

Wesleyan University.

A History of the Tory Party, 1640-1714. By KEITH FEILING. (New York: Oxford University Press. 1924. Pp. 525.)

Curiously enough the great Whig party has as yet found no worthy historian, and the Tories were little better served by scholars until the present century. Not until 1908 did Mr. Kent produce his stimulating, though incomplete, *Early History of the Tories*, while 1924 has brought forth two valuable works on the subject, of which the one under review is the more scholarly.

Mr. Feiling has produced an interesting history of the old Tory party, which was ruined by the Hanoverian succession. His account of the origins of the party prior to the Restoration is a notable contribution to party history. His description of the Tories during the closing years of the seventeenth century is also interesting and informing.

We vainly hoped that Mr. Feiling might shed new light on the *coup d'état* of 1714. Good as Mr. Feiling's book is, it would have been still better had he used the accounts of British politics found in the

dispatches of foreign representatives at the English Court. The author also fails to show the interplay of social and economic factors upon politics. Bolingbroke is dealt with too severely and Harley (Oxford) is praised too highly. An explanation of Harley's work as a financier and of the uprising of the middle class against Bolingbroke's commercial treaty with France would serve to correct the author's views of both statesmen.

WILLIAM THOMAS MORGAN.

Indiana University.

A Defence of Liberty against Tyrants, a translation of the Vindiciae contra Tyrannos by Junius Brutus, with an historical introduction by HAROLD J. LASKI. (London: G. Bell & Sons, Ltd. 1924. Pp. 229.)

There is probably no book of the sixteenth century on the theory of the state more powerful, more characteristic, more influential in its day, and hence more valuable to a modern student, than the *Vindiciae contra Tyrannos*. Hitherto it has been inaccessible to many, however, because neither the original text nor any English translation has been republished since the seventh century. Mr. Laski here reprints an anonymous English translation from the London edition of 1689, the last of several in the seventeenth century. In some ways it is to be regretted that he has chosen to do this instead of giving us a new and more accurate translation, as this one is far from satisfactory in many places; but this defect is probably counterbalanced by the obvious advantage of having a Stuart translation of so important a work in any form.

Mr. Laski's introduction of sixty pages furnishes a most satisfactory commentary on the book and an admirable account of its place in the history of political thought. From this it becomes clear that the title of *monarchomach*, fastened in 1600 by William Barclay upon the author of this book and upon others of the same school of political thought, and indiscriminately accepted since that time, is really a misnomer. To an enemy like Barclay, who distinguished less clearly than they between monarchy and tyranny, these men appeared to be antagonistic to monarchy. They themselves would have repudiated such a title of reproach. They considered themselves *tyrannomachi* but no *monarchomachi*. The sixteenth century was not a period of anti-monarchical thought.

C. H. McILWAIN.

Harvard University.

Early Treatises on the Practice of the Justices of the Peace in the Fifteenth and Sixteenth Centuries. By B. H. PUTNAM. Oxford Studies in Social and Legal History, volume vii. (Oxford University Press. 1924. Pp. ix, 424.)

This is a notable volume in a notable series. The history of English law has suffered hitherto from a lack of knowledge of the beginnings of one of its most characteristic institutions, the Justices of the Peace. Our knowledge has extended little beyond the information given in the old treatises of Lambarde and Dalton. Miss Putnam has done a great service in giving us the first text of the important reading on the Justices by Thomas Marowe, written in the reign of Henry VII and used a century later by Lambarde but strangely neglected in later times, together with another anonymous manual, hitherto unprinted, of the early fifteenth century. These are edited with the most scrupulous care from a number of manuscripts, and prefaced by a book in which all the resources of exact scholarship are brought to bear upon the whole literature of the fifteenth and sixteenth centuries regarding the justices; with the result that some previous conclusions must be modified and the great importance of the justices of the peace at last better recognized by the historians of our law. Miss Putnam has rendered a service that is simply invaluable to all historians of England, whether legal, economic, social or constitutional.

C. H. McILWAIN.

Harvard University.

BRIEFER NOTICES

"Eternal vigilance is the price of liberty" said John Philpot Curran a century ago. Hard work and the old-fashioned virtues are the price of freedom according to President Coolidge in 1924. *The Price of Freedom* by Calvin Coolidge (Charles Scribner's Sons, pp. vi, 420) contains twenty-eight addresses delivered by Mr. Coolidge while Vice President, together with his college prize essay on the American Revolution, and his veto as governor of Massachusetts of a bill seeking to legalize the sale of beer and wine. The book makes no partisan political appeal. It contains no campaign arguments on present issues, except those which, like the protective tariff, have their roots deep in the past. Political issues come and go. Problems of government arise, are settled and are forgotten, but political principles endure. The publishers rightly claim that these addresses give the President's "conception of the basic principles of society and of the character

and significance of the American nation." President Coolidge, in his early public career as a legislator and executive officer of Massachusetts, formulated and announced his social and political philosophy. His public utterances and acts have been consistent with this philosophy.

"What are the sources then of that state of mind which supports civilization? There are but two sources, education and religion." "Any power which is not used for the general welfare will in the end destroy itself." "There are criticisms which are merited, and always have been and always will be; but the life of the nation is dependent not on criticism but on construction, not on tearing down but on building up, not on destroying but on preserving." "It is never the part of wisdom to minimize the power of evil, but it is far less the part of wisdom to forget the power of good." The performance of duty, the improvement of self, not for selfish reasons but as a duty to the community, are by this philosophy the essential test of free government, the support of civilization and the sole hope of progress and salvation. That is the price of freedom; freedom of country, of mind and of soul.

The *Memoirs of Li Hung Chang* by William Francis Mannix (Houghton Mifflin Company pp. lxxxii, 298) are now published, with an explanation of their real character written by Mr. Ralph D. Paine, a journalist and novelist, who knew Mr. Mannix intimately. Mr. Paine gives the life history of the journalistic "sport" who developed into a master of literary forgery, and who wrote in an Hawaiian prison this book of memoirs of Li Hung Chang, which had about it so great verisimilitude as to deceive not only British and American publishers but sinologists and "old China hands." Although suspicion was aroused by inaccuracies in the narrative within a few months of its first publication in America in 1913, and although in 1915 the surviving son of Li Hung Chang assured Dr. Tenney that his father had never kept a diary, the lack of any definitive statement and the ignorance of many students of China concerning the whole matter have maintained the *Memoirs* in a quasi-authoritative position. Mr. Paine's preface may not constitute proof positive that they are, in their entirety, a forgery, but it gives much evidence to put future readers on their guard. The reviewer is able to correct his statement that Joseph T. Mannix, whom the author of the *Memoirs* spoke of as his brother, was an invention. Joseph Mannix lived in Minneapolis for many years, where for a time he was a reporter and later was state printer. He is still living and when last heard from was in Africa.

Teachers of constitutional law will be glad to know that a new edition of Lawrence B. Evans' *Leading Cases on American Constitutional Law* (Callaghan & Co., pp. 1382) is now available for use. The earlier edition of this volume was widely recognized as the most serviceable compilation of its type, but the present revision marks a notable improvement. It has nearly tripled the size of the book, which now contains 215 cases. On the older topics more cases are given and, in addition, various new topics are introduced. For example, the new edition includes illustrative cases on the war powers of the national government and on the treaty-making power. The editor has also expanded his notes considerably and greatly increased their usefulness. Necessarily some of the cases have had to be abridged, but this has been very skilfully done. By way of compensation the editor has included the dissenting opinions in cases "where the court was closely divided and where the prevailing opinion has not commended itself unreservedly to the bar." All in all this new edition is well-proportioned, skilfully compiled, adequately annotated, a serviceable book from every point of view.

Two recent books on sociology are *The Scientific Study of Human Society* by Franklin H. Giddings (University of North Carolina Press, pp. vi, 247) and *Origins of Sociology* by Albion H. Small, (University of Chicago Press, pp. vii, 351). Professor Giddings makes a plea for a scientific study of human society, not for the purpose of "tinkering" with the existing order of things but to get at the facts and explain the methods which should be employed for this purpose. Professor Small's book is largely historical and attempts to show that there has been an evolution of the social sciences since 1800 and that sociology, one of the products of that evolution, is the first attempt to develop a social science upon the basis of the group conception as contrasted with the individualistic view of human life. Like Professor Giddings, the author argues for the need of scientific methods of studying the subject, in setting forth the conclusion that sociology is not "a concatenated scheme of opinions about things in general" but "like any other procedure which is entitled to the rank of science, is the application of a distinctive method to a designated type of problem." The University of Chicago Press has also published the *Proceedings of the National Conference of Social Work* (pp. vii, 652), in its fifty-first annual session at Toronto in July, 1924. Students of state and local government will find useful information in the papers and discussion devoted

to recent developments in the organization and operation of public welfare departments, the merit system in social work, the relation of a board of public welfare to the public and legislative oversight (pp. 539-572). Under the title *Law and Morals* (pp. 156), the University of North Carolina has published a series of lectures by Roscoe Pound, delivered at the University two years ago.

Roads to Social Peace (The University of South Carolina Press, pp. 133) contains the Weil Lectures on American Citizenship given by Professor E. A. Ross at the University of North Carolina in 1924. The five steps which Professor Ross regards as necessary to eliminate factions and a clash of interests in the United States are: (1) the avoidance of sectionalism; (2) the "quenching" of sectional strife; (3) the promotion of peace among nationalities; (4) the mitigation of class struggles; and (5) the allaying of the conflict between town and country. For the accomplishment of these various ends he sets up certain ideals for which we should aim. For example, he believes that sectionalism in the United States, both within the individual state and the nation as a whole, can be avoided by greater proportionality of representation in government, by proportional sharing in the burdens of government, by more careful consideration to the sectional bearing of legislation, and greater willingness on the part of the people of each section to listen to the qualified spokesmen for other sections.

The 1925 Municipal Index (pp. 521) issued by the American City Magazine is a reference work which contains a large amount of material useful to students and teachers of municipal government, civic organizations, and city officials. The volume is divided into sixteen sections dealing with such matters as administration, government, finance; city planning, housing, zoning, fire and police departments, parks, playgrounds, public health, public education, public utility ownership and regulation, street construction, traffic control, water supply, and national organizations serving municipalities. Each section includes a brief discussion of the subject-matter by some leading authority, a bibliography, and illustrated advertisements of the leading dealers in standard equipment, supplies and services. The introductory articles in each section have been prepared by various organizations, and technical experts. The book should be in every reference library.

National Isolation an Illusion (G. P. Putnam's Sons, pp. xii, 631), by Perry Belmont, covers somewhat more ground than the title indicates. In fact the book is largely a political history of the United States, supplemented by an account of recent events, and made more interesting by frequent references to the author's experiences in politics and public life. Of especial importance are Mr. Belmont's accounts of the electoral commission of 1877, the sessions of which he attended as secretary to Senator Bayard, and the material in the appendix dealing with the author's fight for the publicity of campaign funds and his arguments in favor of giving members of the cabinet seats in Congress. The central theme is an attempt to prove that from the very beginning the interests of the United States have been closely bound up with those of Europe, and that the policy of the Democratic party from the time of Jefferson has been interdependence and not isolation. The usefulness of the book is somewhat reduced by the lack of systematic arrangement and the sudden transitions from one topic to another.

Students of international relations will be interested in *The Rockefeller Foundation Annual Report, 1923* (pp. 365), a valuable summary of the international health activities of the Rockefeller Foundation. During 1923 the International Health Board, the China Medical Board and the Division of Medical Education supplied fellowship funds for 636 individuals in 29 different countries; supported the interchanges, arranged by the League of Nations, for 54 health officers from 27 nations; arranged international visits of one commission and 24 visiting professors; furnished emergency relief to institutions in 15 European countries; accepted an invitation from Brazil to participate in an attack upon yellow fever; shared in demonstrations of malaria control in 12 American states, and conducted malaria surveys in 8 different countries; as well as carrying on many other important activities.

With the growing economic interdependence of the world, the condition of labor in one country affects it in another. When one government establishes high standards of labor protection, it is apt to be subject to unfair competition from a country with low standards. Consequently, the movement for labor legislation in its international aspects has been prompted as much by economic interest as by humanitarianism, as Mr. G. A. Johnston tries to show in *International Social Progress, The Work of the International Labour Organisation of the League of Nations* (Macmillan, pp. 263). While the author traces the history

of this movement before the war, he spends most of his time on the existing labor organization, established by the Treaty of Versailles. Perhaps the most significant feature of this organization is the manner in which it has improved labor conditions in such eastern, and industrially backward countries, as Japan, India, Persia and Siam.

Races, Nations and Classes by Herbert A. Miller (Lippincott, pp. 196) is a study in what the author calls "the psychology of domination and freedom." The book deals with many interesting themes but the historical generalizations are sometimes faulty. To say that Ontario was "originally French" but now contains "a majority of English" (p. 114) is to display a rather slim knowledge of what has transpired during the past two centuries along the northern border. And it is equally strange to read of the "Arcadians" (*sic*) whose exile has been made classic in Longfellow's *Evangeline*.

Nesta H. Webster in *Secret Societies and Subversive Movements* (E. P. Dutton and Company, pp. xiii, 419) attempts to prove that revolt against the established order both in the present and past has been fostered by secret societies such as Freemasonry and by such movements as theosophy, nationalism of an aggressive kind, now represented by Pan-Germanism, international finance and socialism. Back of all these societies and movements, in the opinion of Miss Webster, will be found the influence and the financial aid of the Semitic race. The book, however, is far from convincing, in spite of the diligence and energy which the author displays in presenting innumerable references to out-of-the-way sources of information.

Three recent books on the land of the Muscovites are Magdeleine Marx's *Romance of New Russia* (Seltzer, pp. 226) E. W. Hullinger's *Reforging of Russia* (Dutton, pp. 402), and *Recollections of Imperial Russia*, by Meriel Buchanan (Doran, pp. 277). The first is the work of an emotionalist who, as she says, "discards the facts and figures" so that she may "truly reveal the heart, the soul of the country." The dust-cover advertisement declares that the book reads "like a work of fiction"—and it does. Mr. Hullinger was the United Press representative in Russia for a time. He was deported for telling too much. Now he tells the whole story without let or hindrance, and he does it in a most convincing way. Miss Buchanan, the daughter of the last British ambassador to the court of the Romanovs, describes

graphically the social life of Petrograd during the outgoing days of the old régime.

Twelve Years at the German Court by Count Robert Zedlitz-Trutshler (Doran, pp. 306) contains an intimate picture of life in Berlin and Potsdam during the years before the war.

Preliminary History of the Armistice (pp. xii, 163) is a compilation of official documents, published by the German government in 1919 in an effort to prove that Germany agreed to the armistice, subject to the stipulation that the definitive terms of peace should be based on the Fourteen Points and the other peace proposals of President Wilson,—translated into English for the Carnegie Endowment for International Peace.

Count Harry Kessler in his Institute of Politics lectures, *Germany and Europe* (The Yale University Press, pp. vii, 150) has interpreted the thought of post-war liberal Germany. The most interesting chapter from the political standpoint—the book is essentially historical—is the last in which he traces the growth of the new German constitution, the significance of the Economic Councils, party alignment in the Reichstag, the influence of “big business,” and the future of Germany’s foreign policy.

Two recent publications by Macmillan are: *The Continent of Europe* by Lionel W. Lyde (pp. 456), a treatise on economic geography, but with much emphasis upon the character and resources of European political entities; and *Czecho-Slovakia*, by Dr. Josef Gruber (pp. 256), which discusses the economic resources, industries, finances and social problems of that country, each chapter by a specialist.

The Reformation in Poland: Some Social and Economic Aspects, by Paul Fox (Johns Hopkins Press, pp. 153) traces, with the aid of Polish sources, a very interesting chapter in the history of Protestantism which is all too little known to most Western scholars.

Mr. Roland R. Foulke of the Philadelphia bar has written a small book on *The Philosophy of Law* (John C. Winston Company, pp. 102) in which the essential nature of law is explained in simple terms. Defining the philosophy of law as a special branch of philosophy having

to do with the conduct of man in a community, the author proceeds to discuss human conduct and the internal and external factors determining conduct, such as the forces of nature, custom, public opinion and political power; the meaning of law, its sources and end; and jurisprudence. The exposition centers around the assumption "that law, whatever it is, has something to do with human conduct, whatever other objects it may have to do with also." For this reason the chief emphasis is given to an explanation of the operation of the external factors of political power and public opinion, as they determine human conduct.

The Drama of the Law by Edward A. Parry (Scribner's, pp. 320) recounts the story of many famous criminal trials. The author believes that all these contestations can be classed as tragedies, melodramas, farces, and so on. It is from this point of view that he describes them.

Among the volumes which have already appeared in the new series of introductory texts, entitled *The World's Manuals*, published by the Oxford University Press, is an *Introduction to Modern Political Theory*, by C. E. M. Joad (pp. 127). The greater part of this little volume is devoted to aspects and problems of socialist political theory, and the text is embellished with portraits of Marx, J. S. Mill, Kropotkin, and Lenin.

President Arthur Twining Hadley, in *The Conflict Between Liberty and Equality* (Houghton Mifflin Company, pp. vi, 135), makes a plea for liberty which he defines as "the power to use intelligence as a determining factor in our conduct." Delivered as the West Memorial Lectures at Stanford University, it is another contribution to the literature of pessimism in regard to the present state of the body politic, especially on its economic side. In *The Faith of a Liberal* (Scribner's, pp. 309) President Nicholas Murray Butler presents, from various points of view, the principles of liberalism as applied to current political and social problems.

John Locke's *Treatises of Civil Government* has been reprinted in Everyman's Library (Dutton, pp. 242) with an introduction by W. S. Carpenter.

Longmans, Green and Company have published the first of a three-volume series on *Tudor Economic Documents* (pp. xiii, 383) illustrating the economic and social history of Tudor England. The initial volume is edited by R. H. Tawney and Eileen Power and covers the agriculture and industry of the period. Students of local government will find considerable useful material in Section II on Towns and Guilds, in which appear reprints of numerous interesting documents such as the municipal regulation of hours and wages by the Common Council of London, 1538; the act to remedy the decay of corporate towns, 1554; and an order of the Privy Council directed to the Lord Mayor of London in 1590 to check the growth of the city because it "hath been over largelie increased to the decay of other townes, burroughes and villages within the Realme," and "also the infeccion of the plague."

Industrial Society in England towards the End of the Eighteenth Century by Witt Bowden (Macmillan, pp. 343) presents a broad survey of the early industrial revolution. Emphasis is laid on the origins of our various modern industrial groups, disclosing a connection between the friendly societies of this era and the nineteenth century trade unions. There are some interesting explorations into the nature of Pitt's Irish policy, and the author challenges the doctrine that the *laissez-faire* and free trade movement began with Adam Smith and the physiocrats. The factories began it, he contends.

Philip Anthony Brown, a young and brilliant graduate of New College, Oxford, who was killed in battle during 1915, left a manuscript which has recently been edited by friends under the title of *The French Revolution in English History* (E. P. Dutton and Company, pp. xiv, 232). Professor Gilbert Murray has written a short introduction. With a style that is fresh and readable the author traces the effect of the French Revolution on English thought, politics and literature, illustrating his points by frequent reference to the lives and work of many individuals including workingmen, poets and politicians.

A translation of the first volume of Élie Halévy's *Histoire du Peuple Anglais* has been published by Messrs. Harcourt, Brace & Company, (pp. 576). The original has been most highly commended by English scholars for its enormous erudition and strict impartiality.

Pen portraits of various literary and political figures, including Stanley Baldwin, Lord Curzon, Bonar Law and H. G. Wells are included in *A Gallery* by Philip Guedalla (Putnam's, pp. 249), a writer whose ability to delineate human traits in a brilliant way is well known to students of contemporary biography. As a curtain-raiser the volume contains a few landscape sketches—of Fez, Biarritz, and Mandalay. A volume of somewhat analogous character is Sisley Huddleston's *Those Europeans* (Putnam's, pp. 297). It deals, for the most part, with continental statesmen of today, including Masaryk, Caillaux, Millerand, and Mussolini.

By the provisions of Lord Morley's will he is to have no formal biography, hence John H. Morgan gives his *Viscount Morley* (Houghton Mifflin Company, pp. 215) the subtitle of "an appreciation and some reminiscences." The book portrays a versatile man and does it in attractive style.

In the second volume of *These United States* (Boni and Liveright, pp. 438) edited by Ernest Gruening, some twenty-six native sons and daughters set forth their ideas as to the distinguishing characteristics, peculiarities and accomplishments of their respective states. Although written in a somewhat light vein these sketches present a keen analysis of the social, political, and economic life of the various commonwealths. Brief word-pictures are given of present and past political leaders and considerable attention is paid to important party contests. The book is interesting from cover to cover and the reader leaves it with the impression that after all state lines do mean something and that our Union is one of forty-eight states, as well as a few great rival sections.

Government of the United States, by Everett Kimball (Ginn, pp. 785) is substantially a condensation of the author's two earlier volumes in the same field. The first half of the present volume maintains the excellent standard set in his earlier volume on the Federal government. In the latter half, only 20 pages are given to the legislature, out of 210 pages on state constitutions and government, and only 28 pages to counties, townships and villages, and 134 pages to cities. In discussing the executive branch of state government, the legal position of the governor is clearly set out, but there is little suggestion of the political and administrative development in that office within recent years. Throughout the latter half of the book, the reader is constantly made

aware of the geographical locality in which the book had its origin. Nevertheless, the volume presents a helpful analysis of American government and one of the best presentations of the national government that has yet appeared.

Milton Conover's *Working Manual of Original Sources in American Government* (Johns Hopkins Press, pp. 135) is a very useful supplement to collegiate text-books. It provides a long series of problems with bibliographical aids—fifty assignments in all, each for a different student.

The Citadel of Freedom, by Randolph Leigh (Putnam's, pp. 234) is "a study of the constitution and its builders, and of the movement to destroy it." The story is told in "seven dynamic personalities" from Washington to Lincoln. *Common Sense of the Constitution* (Allyn and Bacon, pp. 145), by A. T. Southworth, is a serviceable little manual for school use.

Frederic L. Paxson's *History of the American Frontier* (Houghton Mifflin Company, pp. 298) is a synthesis of the various studies which have been made in this field during the past twenty-five years. It is the first complete history of the frontier which, as Professor Paxson avers, "is the most American thing in all America." The book is well proportioned and skilfully written. *Recent American History*, by L. B. Shippee (Macmillan, pp. 554), deals with the period since 1865. It lays emphasis on industrial and economic development, but does not neglect political phases, and describes America's participation in the war. W. H. Cavanaugh's *Colonial Expansion* (Badger, pp. 263) deals only with the Pilgrim settlement and its history.

Archer B. Hulbert's *United States History* (Doubleday, Page, pp. 656) is intended as a text-book for the third and fourth year of a high school. Special features are the use of the topical method and the emphasis placed on the last fifty years. A novel departure is the inclusion of a "Who's Who" in American history, covering about thirty pages.

A handsome *Life and Times of Our After-War President*, by Joe Mitchell Chapple (Chapple Publishing Company, pp. 386) contains a warm and extended eulogy of President Harding.

Waldo R. Browne's *Altgeld of Illinois* (Huebsch, pp. 342) is a valuable contribution to the literature of Middle Western politics a generation ago, of more than local interest. There is an interesting chapter on the "inner history" of the railroad strike of 1894 and the Altgeld-Cleveland controversy.

The World Book Company has brought out a revised edition of David P. Barrows' *History of the Philippines* (pp. 406). The new edition brings the story down to date and includes an additional chapter on the issue of Filipino independence. *The United States and the Philippines*, by D. R. Williams (Doubleday, Page & Company, pp. 355) is primarily a survey of political and economic problems since 1898. There is a longer discussion of the independence issue.

The Ethics of Opium (Century Co., pp. 204) by Ellen N. LaMotte, the well-known antagonist of the drug evil, analyzes the documents of the colonial governments of the Far East to show that the use of opium has, in many places, been actually increasing instead of decreasing in accordance with the purpose of the opium convention of 1912. She believes that if the powers had the "will" to suppress the evil, the existing convention would be workable.

The Oxford Press has recently published a monograph on *Anglo-Portuguese Negotiations relating to Bombay, 1660-1677* by Shafaat Ahmad Khan.

A volume on *Spiritual and Political Revolutions in Islam*, by Felix Valyi (Kegan Paul, Trench, Trubner & Company, pp. 236) deals with recent events in Turkey, in Egypt, and in Asia Minor.

A new edition of Charles J. Bullock's *Selected Readings in Public Finance* has been issued by Messrs. Ginn & Company (pp. 982). This new edition, besides a revision of the earlier materials, contains a supplementary chapter dealing with the newer forms of federal taxation. *The Economics of Taxation*, by H. G. Brown (Holt, pp. 344), is a study of the principles underlying taxation and the incidence of taxation. Eugenio Rignano's monograph on *The Social Significance of the Inheritance Tax* has been translated by W. J. Schultz (Knopf, pp. 128).

The National Industrial Conference Board has added to its studies on taxation a volume on *The Tax Problem in West Virginia* (pp. 234), and a brief general survey of *Tax Burdens and Public Expenditures*, the latter carrying previous studies down through the year 1923.

In *Making the Tariff*, by Thomas W. Page (McGraw-Hill Book Company, pp. 281) there is a full discussion of the methods whereby the schedules are prepared and revised, including a good chapter on "Tariff-Making by Executive Order."

The Harvard University Press has brought out a *History of the United States Post Office to the Year 1829* by Wesley E. Rich (pp. 190). The author began a comprehensive study of the subject before the war, but interrupted his work to enter the army and died before the war came to an end.

Following several special studies of scientific research agencies in California and Illinois, the National Research Council has published *An Evaluation of the System of Central Financial Control of Research in State Governments*, by Leonard D. White (pp. 134). This discusses central state control in Illinois, Ohio, Wisconsin and Massachusetts, and the central control of research in the University of Chicago.

The Republican county committee of New York has established a political research bureau, which has published a report on *The Voting Machine* (pp. 80), by David Zukerman, and also pamphlets on proposed amendments to the state constitution to authorize additional debt.

A text-book on *The Principles of Corporation Law*, by W. W. Cook (pp. 815), has been published by the University of Michigan. This undertakes to present the general principles of the subject, with a few applications and references to more elaborate works and court decisions. The chapters on taxation and public service corporations will be of most interest to students of political science.

The Russell Sage Foundation, which published a few years ago a digest of *American Marriage Laws*, (pp. 132), has recently issued two new studies in this field: *Medical Certification for Marriage*, by

Fred S. Hall (pp. 92), and *Child Marriages*, by Mary E. Richmond and Fred S. Hall (pp. 159).

Principles of a Note-System for Historical Studies, by Professor Earle W. Dow (Century Company, pp. 124) contains a discussion of various matters which will interest the student. It deals with the methods of note-taking, the compilation of bibliographies, classification and filing, and kindred topics.

Among other recent publications on economic and social problems may be noted: *Population and the Social Problem*, by J. Swinburne (pp. 380), and *Elements of Land Economics*, by R. J. Ely and E. W. Morehouse (pp. 363), published by Macmillan; *British Labour Speaks* (Boni and Liveright, pp. 282), *Unemployment Relief in Great Britain* (Houghton Mifflin, pp. 203); *Politics and Welfare* (Brentano, pp. 299); *Family Welfare Work in a Metropolitan Community*, by Sophonisba P. Breckenridge (University of Chicago Press, pp. 958); *Society and its Surplus*, by N. Le R. Sims (Appleton, pp. 581); *Social Organization*, by W. H. R. Rivers (Knopf, pp. 226); *The Women's Garment Workers*, by Louis Levine (Huebsch, pp. 608); *Labor Movement in the Shoe Industry*, by A. E. Gelster (Ronald Press, pp. 237); *A Short History of the American Labor Movement*, by Mary Beard (Doran, pp. 206); and *German Trade Associations*, by A. H. Stockder (Holt, pp. 254).

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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